

# **Evaluation of the Sargent Shriver Civil Right to Counsel Act (AB590) Chapter on Child Custody Pilot Projects**

***DRAFT – UNDER REVIEW***

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April 2017



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## TABLE OF CONTENTS

INTRODUCTION .....	1
OVERVIEW OF CHILD CUSTODY CASES .....	7
Child Custody Cases .....	9
Interparental Contentiousness .....	13
Potential Value of Mandatory Settlement Conferences .....	14
PROJECT DESCRIPTIONS AND IMPLEMENTATION OVERVIEW .....	15
What services were provided by the Shriver Pilot Custody Projects?.....	17
Shriver Pilot Project Description: Los Angeles County .....	19
Project Context .....	19
Project Implementation Model .....	20
Brief Summary of Service Provision .....	22
Shriver Pilot Project Description: San Diego County .....	27
Project Context .....	27
Project Implementation Model .....	27
Brief Summary of Service Provision .....	29
Shriver Pilot Project Description: San Francisco County .....	35
Project Context .....	35
Project Implementation Model .....	35
Brief Summary of Service Provision .....	37
Brief Overview of Cross-Project Implementation.....	42
Who was served by the three Shriver Pilot Custody Projects? .....	42
How did custody cases with Shriver representation proceed? .....	43
LITIGANT EXPERIENCES .....	45
Los Angeles Custody Project Litigant Self-Sufficiency Assessments .....	47
Findings .....	48
Summary .....	53
Methodology .....	55
Findings .....	55
Summary .....	61
CASE OUTCOMES STUDY .....	63
Methodology and Analytic Approach .....	65
San Diego Custody Pilot Project Case Outcomes Study .....	67



Methodology.....	67
Description of Sampled Custody Cases.....	67
Study Relevant Pleading .....	70
Outcome Area #1: Court Efficiency.....	71
Outcome Area #2: Case Events and Outcomes .....	75
Summary .....	84
San Francisco Pilot Project Case-Level Outcomes Study.....	87
Methodology.....	87
Description of Sampled Custody Cases.....	87
Study Relevant Pleading .....	88
Outcome Area #1: Court Efficiency.....	91
Outcome Area #2: Case Events and Outcomes .....	94
Summary .....	98
STAKEHOLDER PERCEPTIONS.....	101
Methodology.....	103
Legal Aid Services Agencies Staff Perceptions of Project Impacts.....	103
Superior Court Staff Perceptions of Project Impacts.....	105
COST STUDY.....	109
Methodology and Analytic Approach .....	111
What was the estimated costs of the Shriver custody pilot projects? .....	115
Does the Provision of Shriver Services Improve Court Efficiency?.....	121
Are Shriver Services Related to Potential Cost Savings Beyond the Court? .....	127
SUMMARY OF FINDINGS .....	129
REFERENCES.....	135
APPENDIX A: DETAILED SERVICE SUMMARIES .....	139
Shriver Project Service Summary: Los Angeles.....	143
Service Provision .....	143
Case Outcomes .....	150
Shriver Project Service Summary: San Diego.....	157
Service Provision .....	157
Case Outcomes .....	164
Shriver Project Service Summary: San Francisco.....	171
Service Provision .....	171
Case Outcomes .....	178

APPENDIX B: SELF-SUFFICIENCY DATA TABLES .....	185
APPENDIX C: SUPPLEMENTAL COST TABLES .....	191
LIST OF TABLES	
Table C1. Legal Aid Services and Court-Based Shriver Services Available from the Los Angeles Pilot Custody Project .....	21
Table C2. Demographic Characteristics of Shriver Legal Aid Services Clients .....	23
Table C3. Household Characteristics of Shriver Legal Aid Services Clients .....	24
Table C4. Child Custody Orders at Intake, Client’s Goals, Opposing Party’s (OP) Goals, and Custody Outcomes for Shriver Representation Clients.....	25
Table C5. Legal Aid Services and Court-Based Shriver Services Available from the San Diego Pilot Custody Project.....	29
Table C6. Demographic Characteristics of Shriver Legal Aid Services Clients .....	30
Table C7. Household Characteristics of Shriver Legal Aid Services Clients .....	31
Table C8. Child Custody Orders at Intake, Client’s Goals, Opposing Party’s (OP) Goals, and Custody Outcomes for Shriver Representation Clients.....	33
Table C9. Legal Aid Services and Court-Based Shriver Services Available from the San Francisco Pilot Custody Project .....	36
Table C10. Demographic Characteristics of Shriver Legal Aid Services Clients .....	38
Table C11. Household Characteristics of Shriver Legal Aid Services Clients .....	39
Table C12. Child Custody Orders at Intake, Client’s Goals, Opposing Party’s (OP) Goals, and Case Outcomes for Shriver Representation Clients .....	40
Table C13. Proportion of Litigants Interviewed at Case Closure .....	55
Table C14. Shriver Client Goals for Case .....	56
Table C15. Other Case Goals of Shriver Clients .....	57
Table C16. Outcomes and Litigant Expectations .....	57
Table C17. Mean Fairness and Procedural Justice Scores by Satisfaction with Case Outcomes .....	59
Table C18. Services Requested and Received by Litigants .....	59
Table C19. Time from Petition to Study Relevant Pleading by Study Group.....	69
Table C20. Issues Raised Over Life of Custody Case by Study Group .....	69
Table C21. Shriver Client Role in Case .....	70
Table C22. Party Representation by Study Group .....	70
Table C23. Legal and Physical Custody Requests by Study Group .....	71
Table C24. Levels of Agreement via Settlement Conference, for Shriver Representation Cases Ultimately Resolved by Various Methods.....	72
Table C25. Method of Resolution of SRP by Study Group.....	73



Table C26. Number of Hearings per SRP by Study Group .....	73
Table C27. Type of Hearing by Study Group .....	74
Table C28. Length of SRP (in days) by Study Group.....	74
Table C29. Legal and Physical Custody Orders by Study Group .....	76
Table C30. Visitation Orders by Physical Custody Ordered and Study Group.....	77
Table C31. Other Court Orders for the SRP by Study Group .....	81
Table C32. Additional Orders by Physical Custody Awarded by Study Group .....	82
Table C33. Durability of Custody Orders (2 years) by Study Group .....	83
Table C34. Durability of Custody Orders (2 years) by Study Group and Timing of SRP .....	83
Table C35. Time from Initial Custody Petition to Study Relevant Pleading by Study Group ...	88
Table C36. Client Role in Case.....	88
Table C37. Distribution of Mothers and Fathers for San Francisco Custody Cases.....	89
Table C38. Party Representation by Study Group .....	89
Table C39. Legal and Physical Custody Requests by Study Group .....	90
Table C40. Issues Raised in Study Relevant Pleading by Study Group .....	91
Table C41. Method of Resolution of SRP by Study Group.....	91
Table C42. Number of Hearings and Continuances per SRP by Study Group .....	92
Table C43. Type of Hearing by Study Group.....	92
Table C44. Length of SRP (in days) by Study Group.....	93
Table C45. Legal and Physical Custody Orders by Custody and Study Group .....	94
Table C46. Visitation Orders by Physical Custody Ordered and Study Group.....	95
Table C47. Additional Court Orders for the SRP by Study Group.....	98
Table C48. Legal Aid Services Program Cost Estimates in FY2014 – Los Angeles.....	115
Table C49. Average Estimated Cost to Provide Legal Aid Services per Case in FY 2014 – Los Angeles .....	116
Table C50. Estimated Costs for Court-Based Services in FY2014 – Los Angeles .....	116
Table C51. Legal Aid Services Program Cost Estimates in FY2014 – San Diego.....	117
Table C52. Average Estimated Cost to Provide Legal Aid Services per Case in FY2014 – San Diego .....	118
Table C53. Estimated Costs for Court-Based Services in FY2014 – San Diego .....	118
Table C54. Legal Aid Services Program Cost Estimates in FY2014 – San Francisco.....	119
Table C55. Average Estimated Cost to Provide Legal Aid Services per Case in FY 2014 – San Francisco .....	120
Table C56. Estimated Costs for Court-Based Services in FY2014 – San Francisco .....	120
Table C57. An Estimate of the Cost to Process a Custody Pleading .....	124
Table C58. Estimated Biennial Savings to Court from the Provision of Shriver Services (based on FY2014 data).....	126



## LIST OF FIGURES

Figure C1. Average Number of Domains in Each Rating Category .....	48
Figure C2. Domains in which More than 50% of Clients Demonstrated Low Self-Sufficiency .....	49
Figure C3. Domains in which 50%-75% of Clients Demonstrated Adequate Self-Sufficiency..	51
Figure C4. Domains in which 75% or More of Clients Demonstrated High Self-Sufficiency ....	53
Figure C5. Length of SRP (in days) by Study Group .....	75
Figure C6. Physical Custody Requests and Orders by Study Group .....	79
Figure C7. Physical Custody Requests and Orders in Comparison Group by Parties' Representation Status .....	80
Figure C8. Length of SRP (in days) by Study Group .....	93
Figure C9. Physical Custody Requests and Orders by Study Group .....	97

## APPENDIX TABLES

Table CA1. Number of Legal Aid Services Cases and Attorney Hours Provided per Case.....	143
Table CA2. Demographic Characteristics of Shriver Legal Aid Services Clients.....	144
Table CA3. Household Characteristics of Shriver Legal Aid Services Clients .....	145
Table CA4. Characteristics of Children of Shriver Legal Aid Services Clients.....	146
Table CA5. Custody Case Characteristics at Intake for Shriver Legal Aid Services Clients .....	147
Table CA6. Client Role and Opposing Party Representation at Intake for Legal Services Clients .....	148
Table CA7. Contextual Factors for Shriver Legal Services Clients.....	149
Table CA8. Visitation Orders by Physical Custody Outcomes.....	152
Table CA9. Supervised Visitation Terms for Shriver Representation Clients .....	153
Table CA10. Additional Orders by Physical Custody Outcomes for Shriver Representation Clients and Opposing Parties.....	154
Table CA11. Court Events for Representation Clients .....	155
Table CA12. Reported Frequency of Police Involvement for Limited Representation Clients .....	156
Table CA13. Number of Legal Aid Services Cases and Attorney Hours Provided per Case....	157
Table CA14. Demographic Characteristics of Shriver Legal Aid Services Clients.....	158
Table CA15. Household Characteristics of Shriver Legal Aid Services Clients .....	159
Table CA16. Characteristics of Children of Shriver Legal Aid Services Clients .....	160
Table CA17. Custody Case Characteristics at Intake for Shriver Legal Aid Services Clients ...	161
Table CA18. Client Role and Opposing Party Representation at Intake for Legal Services Clients .....	162
Table CA19. Contextual Factors for Shriver Legal Services Clients.....	163



Table CA20. Visitation Orders by Physical Custody Orders .....	166
Table CA21. Supervised Visitation Terms for Shriver Representation Clients .....	167
Table CA22. Additional Orders for Representation Clients and Opposing Parties by Physical Custody Outcome .....	168
Table CA23. Court Events for Shriver Representation Clients with and without Settlement Conference Participation.....	169
Table CA24. Reported Frequency of Police Involvement Before and After Shriver Intake by Type of Shriver Service Received.....	170
Table CA25. Number of Legal Aid Services Cases and Attorney Hours Provided per Case....	171
Table CA26. Demographic Characteristics of Shriver Legal Aid Services Clients.....	172
Table CA27. Household Characteristics of Shriver Legal Aid Services Clients .....	173
Table CA28. Characteristics of Children of Shriver Legal Aid Services Clients .....	174
Table CA29. Custody Case Characteristics at Intake for Shriver Legal Aid Services Clients ...	175
Table CA30. Client Role and Opposing Party Representation at Intake for Legal Services Clients .....	176
Table CA31. Contextual Factors for Shriver Legal Aid Services Clients .....	177
Table CA32. Visitation Orders for Shriver Representation Clients .....	180
Table CA33. Supervised Visitation Terms for Shriver Representation Clients .....	181
Table CA34. Additional Orders by Physical Custody Outcome for Shriver Representation Clients .....	182
Table CA35. Court Events for Shriver Representation Clients.....	183
Table CA36. Reported Frequency of Police Involvement for Shriver Representation Clients .....	183
Table CA37. Arizona Self-Sufficiency Matrix: Number and Percent of LA Custody Clients Assessed in Domain at Shriver Intake .....	187
Table CA38. Arizona Self-Sufficiency Matrix Domains and Categories .....	188
Table CA39. Average Cost per Case for Legal Aid Services in FY2014 – Invoice Calculations – Los Angeles .....	193
Table CA40. Average Cost per Case for Legal Aid Services in FY2014 – Invoice Calculations – San Diego .....	193
Table CA41. Average Cost per Case for Legal Aid Services in FY2014 – Invoice Calculations – San Francisco .....	193
Table CA42. Average Cost of Family Law Facilitator in a Highly Contested Custody Proceeding in FY2014 (San Diego).....	194
Table CA43. Average Cost of Family Court Services in a Highly Contested Custody Proceeding in FY2014 (San Diego).....	194

Table CA44. Average Cost of Paperwork and Calendaring in a Highly Contested Custody Proceeding in FY2014 (San Diego) .....	194
Table CA45. Average Cost of a Fee Waiver Processing in a Highly Contested Custody Proceeding in FY2014 (San Diego) .....	194
Table CA46. Average Cost of a Shriver Settlement Conference in a Highly Contested Custody Proceeding in FY2014 (San Diego) .....	195
Table CA47. Average Cost of a Regular Hearing in a Highly Contested Custody Proceeding in FY2014 (San Diego) .....	195
Table CA48. Average Cost of a Review Hearing in a Highly Contested Custody Proceeding in FY2014 (San Diego) .....	195
Table CA49. Average Cost of a Long Cause Hearing in a Highly Contested Custody Proceeding in FY2014 (San Diego) .....	196
Table CA50. Average Cost of an Ex Parte Hearing in a Highly Contested Custody Proceeding in FY2014 (San Diego) .....	196
Table CA51. Average Cost of a Trial in a Highly Contested Custody Proceeding in FY2014 (San Diego) .....	196

#### APPENDIX FIGURES

Figure CA1. Legal Custody: Case Goals, Custody Status at Intake, and Custody Orders for Shriver Representation Clients and Opposing Parties .....	150
Figure CA2. Physical Custody: Case Goals, Custody Status at Intake, and Custody Orders for Shriver Representation Clients and Opposing Parties.....	151
Figure CA3. Legal Custody: Case Goals, Custody Status at Shriver Intake, and Custody Orders for Shriver Representation Clients and Opposing Parties.....	164
Figure CA4. Physical Custody: Case Goals, Custody Status at Shriver Intake, and Custody Orders for Shriver Representation Clients and Opposing Parties.....	165
Figure CA5. Legal Custody: Case Goals, Custody Status at Shriver Intake, and Custody Orders for Shriver Representation Clients and Opposing Parties.....	178
Figure CA6. Physical Custody: Case Goals, Custody Status at Shriver Intake, and Custody Orders for Shriver Representation Clients and Opposing Parties.....	179



## **SUMMARY HIGHLIGHTS FOR THE SHRIVER CHILD CUSTODY PILOT PROJECTS**

The Sargent Shriver Civil Right to Counsel Act (AB590) allocated up to 20% of program funding for child custody cases. In addition to the broader service eligibility criteria for low-income status (i.e., at or below 200% of the Federal Poverty Level) and imbalanced representation (i.e., facing an opposing party with an attorney), the statute also required custody projects to handle cases in which one party was seeking sole custody of the child (Gov. Code section 65661 (b)(2)). Sole custody requests are not typical in California, and such arrangements can often leave one parent with limited or no access to the child. These cases can also be highly contentious. The legislation mainly aimed to level the playing field in these types of cases. Shriver projects served parents trying to obtain custody, as well as those trying to preserve custody. Services were provided for one request for orders (RFO) during the life of a custody case, which remains open until the child turns 18. The Shriver Program funded custody pilot projects in three counties: Los Angeles, San Diego, and San Francisco.

Data for the evaluation of the Shriver custody pilot projects was collected over the course of 5 years, from multiple sources including program service data recorded by Shriver attorneys, individual court case files, and interviews with custody litigants and project staff from legal aid agencies and the courts.

Child custody cases are complex, emotionally charged, and have critical implications for families and children. Unique attributes of families, parent personalities, relationship dynamics, and circumstances of children can add intricacy and tension to proceedings. When cases are contentious, as most cases served by the Shriver custody pilot projects were, the adversarial nature of the judicial process can be compounded. Moreover, there are innumerable factors that can influence court decisions about custody and what is in the best interests of the child.

### **PEOPLE SERVED BY THE SHRIVER CUSTODY PILOT PROJECTS**

Shriver services were provided to both mothers and fathers, though most clients were female. The average monthly income of Shriver clients was well below the 2014 Federal Poverty Level, and many demonstrated substantial needs in critical livelihood areas, such as income, employment and food security. Over half of Shriver cases had intertwined issues of domestic violence. Most clients were Hispanic/Latino or African American.

### **SERVICES PROVIDED BY THE SHRIVER CUSTODY PILOT PROJECTS**

From October 2011 through October 2015, the three custody projects provided services to 1,100 low-income parents. Over half of these clients received full representation by a Shriver attorney throughout their custody pleading, and just under half received unbundled legal services, such as brief counsel and advice, education, and mediation preparation. Over time, the pilot projects in Los Angeles and San Francisco incorporated social workers into their projects to address their clients' serious and persistent social service needs. Moving families out of crisis and into self-sufficiency became a project goal, as this transition also eased emotional duress, enabled the creation of more stable environments for children, and supported



sustainability of custody arrangements. In addition to the legal aid services, the San Diego custody pilot project also offered Shriver settlement conferences conducted by a judge.

### **NOTABLE IMPACTS OF THE SHRIVER CUSTODY PILOT PROJECTS**

Studies have acknowledged the myriad benefits of providing legal assistance to litigants in complicated family law matters (e.g., Engler, 2010). The Shriver custody pilot projects demonstrated many:

#### ***Shriver services helped level the playing field.***

The statute required Shriver projects to serve cases that stood to have particularly acute consequences for families. Specifically, services targeted self-represented parents who were facing represented opposing parties in cases with sole custody at issue. Legal aid services attorneys explained that their primary goal was to level the playing field, ensuring both parents had adequate access to justice. Data showed that 92% of Shriver representation cases had attorneys on both sides.

#### ***Attorneys educated parents, which created efficiencies and eased tensions.***

Attorneys helped to educate parents about the legal process and to shape reasonable expectations for their case outcomes. Consequently, court proceedings became more efficient, as judges spent less time managing litigants and benefitted from more comprehensive information on which to base decisions. Shriver attorneys felt that they could ease tensions and reduce emotional turmoil that would otherwise cloud and complicate proceedings.

#### ***Litigants felt supported.***

Parents felt informed about their case, supported throughout the process, and not lost in the system. Having an attorney's expertise and support was impactful beyond the custody orders. Specifically, litigants' perception of fairness of the judicial system varied with their satisfaction with their case outcomes: If they were satisfied with their case outcome, they found the process was fair; if they were not satisfied with their outcomes, they found it not fair. In contrast, litigants' perceptions of the Shriver attorney was overwhelmingly positive, regardless of their satisfaction with their case outcomes.

#### ***Attorneys supported collaboration between parties.***

Staff thought litigants were more willing to enter agreements when their attorneys helped them understand when terms were reasonable. By supporting successful negotiations and reducing emotional tensions between parties, Shriver attorneys were able to increase the likelihood of pre-trial settlements, which positively impacts the court and the families. This finding is supported by the quantitative data culled from the court case files at the San Diego project, where over half of Shriver cases resolved via settlement versus less than one third of comparison cases.

This resulted in increased efficiencies for the court, as Shriver cases tended to involve fewer hearings and continuances than comparison cases. The majority (63%) of comparison cases required a hearing to resolve the pleading, versus 40% of Shriver representation cases.

***Combined Effect of Attorney Representation and Shriver Settlement Conferences.***

The San Diego custody pilot project offered Shriver settlement conferences conducted by a judge, with attorneys present. Sixty percent of settlement conferences reached full or partial agreement, contrasted with 4% of cases in typical mediation sessions. The heightened success of Shriver settlement conferences is likely attributable to the presence of counsel—parents were more willing to enter into agreements under the guidance of their attorney—and to the ability of the judge to provide immediate resolution.

***Custody orders were more durable.***

The combination of representation by a Shriver attorney and participation in a Shriver settlement conference in San Diego yielded more durable custody orders. Within the 2 years after the pleading was resolved, only one in ten Shriver cases had filed an RFO to modify the existing custody orders, versus one in three comparison cases.

Custody orders that endure can help stabilize families and reduce burden on courts. Importantly, this can translate into cost savings, as the investment costs of Shriver court-based services are more than recovered by the reduction in subsequent refilings.

Increasing settlements and improving the durability of custody orders are important project achievements. While it is difficult to disentangle the independent contributions of legal representation and settlement conferences, preliminary data suggest that both are useful

**ADDITIONAL NEEDS NOTED BY PROJECTS**

Shriver project staff expressed concern about the restrictive nature of the statute eligibility requirements. Often, if one parent is low income, then the other party is also low income and therefore not able to afford an attorney, so meeting the income requirement and the opposing party representation requirement is challenging for many litigants. Additionally, staff felt that many contentious custody cases would benefit from service, but were ineligible because neither parent was explicitly asking for sole custody.





# Shriver Custody Pilot Projects

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## Introduction

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## INTRODUCTION

The Sargent Shriver Civil Right to Counsel Act (AB590) allocated up to 20% of program funding for child custody cases. In addition to the broader service eligibility criteria for low-income status (i.e., at or below 200% of the Federal Poverty Level) and imbalanced representation (i.e., facing an opposing party with an attorney), the statute also required custody projects to handle cases in which one party was seeking sole custody of the child (Gov. Code section 65661 (b)(2)). Sole custody requests are not typical in California, and such arrangements can often leave one parent with limited or no access to the child. These cases can also be highly contentious. The legislation mainly aimed to level the playing field in these types of cases. Shriver projects served both parents trying to obtain custody as well as those trying to preserve custody. Services were provided for one pleading (i.e., one request for orders, RFO) during the life of a custody case (which remains open until the child turns 18). The Shriver Program funded custody pilot projects in three counties: Los Angeles, San Diego, and San Francisco.

This chapter presents data collected from the three Shriver pilot custody projects that received Shriver Program funding in the fall of 2011. Data were collected from a variety of sources and stakeholders, using a variety of research methodologies, including compilation of service data, review of court case files, and interviews with litigants and project stakeholders. This chapter compiles and presents the findings across these evaluation activities implemented over the course of five years. This chapter is organized in the following sections:

### **Overview of Child Custody Cases**

This section provides an overview of child custody case process, including a description of the various events and proceedings related to the processing of custody pleadings, which are essential to understanding the impact of Shriver services. This section also provides important and relevant context for these cases by highlighting the “best interests of the child” guidelines and the impact of contentious custody disputes on children and the court system.

### **Pilot Project Descriptions and Implementation Overview**

This section describes the implementation of each of the three pilot custody projects. An individual summary is provided for each project that outlines the project context, implementation model and service structure, and goals for clients, as articulated by project stakeholders during interviews and site visits. This section also provides a summary of the work done by legal aid service agencies and superior court staff, as a result of Shriver funding, across the projects and over the course of the grant period. In Appendix A, the reader can find a detailed service summary for each project that presents quantitative data on the numbers and characteristics of people served, services provided, and case characteristics and outcomes. Information for these analyses was recorded by Shriver staff in an ongoing manner into the program services database, a standardized data collection platform, throughout the grant period as they provided legal services.

### **Litigant Experiences**

Custody arrangements can be strongly influenced by characteristics and conditions of the parents. However, these factors are often subjective and are rarely documented in a

standardized way in service logs or court case files. To better understand the life situations of the families seeking Shriver services, the evaluation analyzed self-sufficiency assessment data collected by one of the custody projects (Los Angeles). These data help elucidate how these families were functioning across a variety of life domains—such as employment, health, housing, child care, and social support networks—at the time of Shriver service intake.

A small sample of litigants from one of the custody projects (San Francisco) were contacted, after their pleading was resolved, for a phone interview to discuss their perceptions of their case and the legal process, as well as the level of cooperation with the other parent. These Shriver clients were also asked about their experiences of the assistance they received.

### **Case Outcomes Study**

A study of case outcomes was conducted at two of the three custody projects (San Diego and San Francisco) using data gleaned from individual court case files. Random assignment was not conducted in any of the custody projects, primarily due to the small number of cases, but comparative samples were drawn at these two sites. In San Diego, a comparison group of pre-Shriver custody cases was drawn from the court database, and in San Francisco, legal aid services attorneys recruited a small sample of comparison cases by reviewing the court calendar. After the custody pleadings were resolved, the court files for the Shriver and non-Shriver comparison cases were reviewed for relevant information, such as case resolution and outcomes. Analyses then compared the outcomes for cases that received Shriver representation and those that did not.

### **Stakeholder Perceptions**

Four years into the project implementation, stakeholders at each pilot project were interviewed about their perceptions of the impact of the Shriver pilot project at their site, including impacts on litigants, the court, and the community. Perspectives were gathered from staff at both the legal aid services agencies and the Superior Court. A cross-project summary is presented.

### **Cost Study**

The costs to provide Shriver services were estimated for all three pilot custody projects using data from project invoices submitted to the Judicial Council, online cost information, and data recorded in the project services database. Potential cost savings to the court were calculated for one project that had available data from court staff and sufficient sample size (San Diego). Potential costs beyond the court are also discussed.

### **Summary**

Findings from the various study components and preceding sections are synthesized to offer a summary of the Shriver custody pilot projects implementation and impacts.

### **Typical Shriver Custody Case**

It is difficult to describe a “typical” child custody case because every family is different. For example, differences in relationship dynamics and history, personalities, child age, parental capacity and desires, and available resources can have strong implications for a custody case. The legislative directives regarding income, imbalanced representation, and sole custody requests fostered some situational homogeneity among Shriver cases, but there was still wide

variability in the case characteristics and outcomes. Cases served by the Shriver custody pilot projects often involved procedural complexities, highlighting the need for counsel. Many involved intersecting issues of domestic violence. And most Shriver clients also needed social services in addition to their legal services. To illustrate the types of cases served by the Shriver pilot project, some examples of cases are provided throughout this chapter.

Some key terms used throughout this chapter:

Each pilot project offered a range of legal services specific to the local implementation model. **Representation** involved an attorney providing representation for all aspects of the child custody pleading from start to finish—but not other aspects of the family law case (i.e. “limited scope”). **Unbundled services** entailed legal help provided for discrete tasks, such as assistance with preparing and filing forms, collection of evidence, provision of brief counsel and advice, representation during mediation or settlement negotiations, or assistance at the self-help center. Projects differed in the type of unbundled services offered. All Shriver pilot projects provided representation to some clients and a range of unbundled services to some clients; the proportion depended on their unique program model. Throughout this chapter, the terms **representation** and **unbundled services** are used to indicate these two levels of Shriver service.

All pilot custody projects served low-income parents, regardless of gender or role in the case. Thus, Shriver clients could be the **moving party** (i.e., the party who filed the pleading and requested orders from the court) or the **responding party** (i.e., the party who was responding to the pleading filed by the moving party, who may or may not request something of the court). Shriver clients’ goals were also variable; clients could be petitioning the court for sole custody of child(ren) or attempting to stop the other parent from obtaining sole custody (i.e., attempting to reserve what parenting time they currently had).



## Shriver Custody Pilot Projects

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### Overview of Child Custody Cases

#### ***Shriver client “Martha.”***

*Until she was eight years old, Anna had lived with Martha, and her father visited sporadically. After the Juvenile Dependency Court found that Martha did not do enough to protect Anna from witnessing domestic violence against Martha by a subsequent partner, the court ordered sole physical and legal custody of Anna to her father. The court also gave Martha monitored visits three times per week at unspecified times, with the father to approve the monitor. Despite the orders, after a few months, the father returned Anna to Martha and resumed visiting sporadically. After four years, a support hearing was set by the County. Before that hearing, the father left with Anna to an unknown location in Seattle. Martha tried and failed to obtain ex parte (emergency) orders to have the child returned three separate times, finally losing her composure with the clerk in the courtroom. But the court did set a hearing and the self-help center referred her to the Shriver Project. At the hearing, where the father did not appear, the Court said that it was uncomfortable changing the Juvenile Dependency Court order because: (1) multiple ex parte orders were denied, and (2) Martha had an outburst in court. The Shriver attorney was able to address the Court’s concerns, successfully arguing that the ex parte orders were denied because of procedural problems and not due to the facts in the case. The attorney pointed out that Anna had been living with Martha her whole life, and submitted extensive supporting evidence. After considering the evidence in its totality, the court concluded that Anna had been living with Martha. The court issued orders for Martha to have sole custody of Anna, and for the father to have visits to take place at Martha’s discretion which would be supervised by a professional to be paid by father.*





## OVERVIEW OF CHILD CUSTODY CASES

### Child Custody Cases

Child custody cases are heard in family law courtrooms in California. Child custody cases arise when the parents of minor children are separated (or otherwise not together) and need a court order to determine how to share parenting responsibilities. Sometimes parents can agree to a parenting plan on their own, and other times they need the help of the court to come up with a plan that is in the best interest of their child(ren). Parenting plans may include general or specific schedule of days and times, including vacations, transportation, counseling and treatment services, and other details. Orders in child custody cases stand, and can be modified based upon the best interests of the child, until the child turns 18 years old or is emancipated. The Family Code is flexible and provides judicial officers wide discretion to make orders that are specific to the best interests of the child in each case. Given that, there are some basic concepts and terms that apply to child custody cases generally.

### TYPES OF CUSTODY

Child custody is comprised of two major types: **legal custody** and **physical custody**. Legal custody involves the authority to make important decisions such as those related to health care, education, religion, and other child welfare issues. Physical custody is defined as with whom the child(ren) will live and how much time each parent spends with the child(ren).

For legal custody, a parent can have *sole custody* (i.e., only one parent has the right and responsibility to make important decisions about health, education, and welfare) or the parents can have *joint custody*, by which either parent can make such decisions. Under joint custody, parents do not have to agree on every decision, but both parents have the right to make decisions about aspects of their child's life (i.e., either parent can decide alone). However, if parents do not cooperate with one another, they may ask the court to make a decision.

Physical custody is similar to legal custody, in that a parent can have *sole* (or primary) *custody* or share *joint custody*. Sole physical custody means that the child lives with one parent most of the time, and usually visits the other parent. Likewise, joint physical custody means the child lives with both parents. Joint physical custody does not mean that the child must spend exactly half the time with each parent, but the amounts of parenting time allotted to both parents are substantial. Although a child support order is separate from a child custody and visitation order, they are related, as the amount of time each parent spends with the child will affect the amount of child support paid. The percentage of parenting time associated with sole physical custody varies by jurisdiction, but is typically 70% or more.

Parents may share joint legal custody, but one parent may have primary physical custody. In this case, both parents share the responsibility of making important decisions in the child's life such as where the child will go to school, but the child lives with one parent most of the time.

If a parent has less than half time with the child, the time that parent spends with the child is generally characterized as **visitation** or **parenting time**. Visitation orders are varied and can be used to specify parenting time schedules when parents share joint physical custody. There are generally four different types of visitation orders: reasonable visitation, visitation according to a

schedule, supervised visitation, and no visitation. **Reasonable visitation** orders are typically open-ended and allow parents the flexibility to work out the schedule outside of court. This type of visitation plan can work if parents get along and communicate well with one another. Generally, it helps the parents and child to have detailed visitation plans to prevent conflicts and confusion, so parents and courts often come up with a **visitation schedule** detailing the dates and times that the child will be with each parent. Visitation schedules can include holidays, special occasions (like birthdays, mother's day, father's day, and other important dates for the family), and vacations.

In cases where the child's safety and well-being are in question (e.g., concerns about domestic violence, child abuse, or parental drug use) supervised visitation may be ordered. The person supervising the visit can be the other parent, another adult, or a professional. Supervised visitation can also be used in cases where a child and a parent need time to become more familiar with each other—for example, if a parent has not seen the child in a long time and they need to slowly get to know each other again. In some situations, it is in the child's best interest to have **no visitation** with the parent. This option is used when visiting the parent, even with supervision, would be physically or emotionally harmful to the child.

### ***Inclination toward Joint Custody***

California Family Code section 3020 provides that “it is the public policy of this state to assure that children have frequent and continuing contact with both parents after the parents are separated...and to encourage parents to share the rights and responsibilities of child rearing...” unless that would not be in the best interests of the child. Family Code section 3011 sets out factors that must be considered by the courts in determining those best interests. Those include a history of child or intimate partner abuse and habitual or continual abuse of alcohol or controlled substances.

## **GENERAL COURT PROCESS**

If parents can agree to parenting plans, they do not necessarily need to go through a court process. However, if one parent does not follow the agreement, a court cannot enforce it until it becomes a *court order*. If both parents agree to a parenting plan, but want a court order that either parent can enforce, they can prepare their agreement in the form of a legal document and file it in an existing family law court case or establish a new case. A judge will review and generally sign such an agreement. After the agreement is signed by the judge, it is filed with the clerk's office and becomes a court order that is enforceable.

### ***Filing the Initial Petition & Requests for Orders***

If the court has not previously ruled on child custody and visitation, a parent will file a petition to open a custody case. The kind of petition filed depends on the parents' current status and case circumstances. One of the most common types of petitions is for *dissolution of marriage* (i.e., divorce). Custody and visitation orders are included in any divorce that involves children. If the parents are not married or registered domestic partners, a parent may file a *parentage* case, which asks the court to issue an order to establish the legal parents of a child.

There are also three other common types of petitions that either married or unmarried parents may file to obtain custody and visitation orders. These include a request for a *domestic violence*

*restraining order* (when there are allegations of abuse, harassment, stalking, etc.), *petition for custody and support of minor children*, or a *governmental child support* case. A governmental child support case arises in two circumstances: (1) either one of the parents has applied for public benefits for the child and the state is asking for a child support order to help reimburse the state and allow the requesting parent to help care for the child, or (2) a parent simply requests the assistance of the government in establishing a child support order. Once any of the above types of cases are opened, a parent may ask for custody and visitation orders.

If parents are unable to come to agreement on a parenting plan, either parent may file a request for orders (RFO) with the court to have the judge make a decision on child custody and visitation. The RFO may raise other issues such as child support, a request for orders of protection or division of property. The parent filing the RFO is referred to as the *moving party* and is responsible for serving the other parent (the *responding party*) with a notice about the court hearing. The moving party must generally serve this notice at least 16 days before the hearing, which gives the responding party time to prepare a *responsive declaration* (i.e., an optional, formal response to the pleading), which will be reviewed at the hearing. The moving party must also file *proof* that the service of notice was complete. Both parties are usually required to attend mediation provided by Family Court Services (FCS), and additional activities may be required, depending on the case characteristics. If the parents are not able to come to an agreement, the judge will review all of the information at the hearing and will come to a decision or continue the hearing to a new date, if more information is needed (such as an evaluation). A trial may also be scheduled for more complex or contested issues.

If the court has issued an order in a child custody case and a parent would like to make a modification to the existing custody or visitation order, a parent would file a new RFO. Notice would need to be given to the other party and the parties would normally be required to attend mediation again prior to a hearing.

In some situations, a parent may believe that there is risk of immediate harm to the child (e.g., domestic violence, sexual abuse, child maltreatment) or they may believe that the child is at risk of being removed from the State of California. In these situations, a parent may ask for temporary emergency (*ex parte*) orders along with the RFO. An *ex parte* hearing will be brought by counsel as soon as possible to review the facts of the case. These orders are difficult and complicated to obtain, are only in place for a short time, until a regular hearing is held on the RFO and longer term orders are made.

### ***Relationship with Juvenile Court***

When Child Protective Services has concerns that a child has been subjected to abuse or neglect, they remove the child from the parents' case and open a case in Juvenile Dependency Court. Juvenile dependency cases have a strict timeline and guidelines. The files are confidential. If the child is returned to one or both parents, the juvenile court issues an exit order which sets out an order regarding custody and any provision for visitation. This order can either start a new and non-confidential family law case or be filed in an existing family law case. Any modifications to the juvenile order are then made in the family law case using the RFO procedure. It was possible for Shriver cases to be initiated from juvenile exit orders, and it was also possible for cases to be transferred from family court to juvenile court if it appeared that there was grave risk to the child (or if Child Protective Services opens a case while the family



court case is pending). In juvenile dependency cases, both parents and the children are provided with their own attorneys.

### ***Hearings and Trials***

A hearing on the issue of child custody is an appropriate procedure to ask the court to decide on a discrete issue(s) when the parties cannot agree. A regular hearing takes a relatively short period of time (about 20 minutes) and is conducted in a less formal manner than a trial (usually based on the parties' written declarations and their testimony before the judicial officer at the hearing). Parties often request a hearing for the court to make temporary orders about how they will share custody before a judgment is made in the case. They can also ask for a hearing when they want to modify the temporary child custody or parenting plan orders if circumstances change before a judgment is entered. Other typical hearings are about where a child will attend school, if a child can travel outside of the state or country with a parent for vacation, or how a child will spend summer vacations with a parent. A hearing is also a process by which the court can determine if the matter needs to proceed to trial before the judicial officer can make a determination.

In addition to regular hearings, there are review hearings, ex parte hearings, and long cause hearings. A review hearing is often scheduled by the court to check in and see how a custody and visitation arrangement is working. It provides the opportunity for parties to return to court for review and potentially change the order without having to file additional pleadings. An ex parte or emergency hearing is held in cases where there is an immediate threat of danger to the child or for handling scheduling issues such as needing to change a court hearing date.

When a party requests, or the court sets, a trial, the process is more formal. The parties (or their counsel) often propound discovery, issue subpoenas for witnesses to testify, exchange trial briefs, and lodge exhibits and present evidence in court so that the judicial officer can make a determination on specific issues relating to child custody. The "trial day" is generally a period of no less than two and a half hours of a single court day, though trials can last for many days or weeks. While there are many issues that can be raised at trial, a typical issue can still be about legal and physical custody and parenting plans that will be entered into the judgment. If one parent wants to move with the child to a location that will make it difficult for regular physical contact with the other parent, a trial may be required so that the parents can present evidence about the relationship each has with the child, the reason for the move, and the child's specific needs. Following a trial, the court usually enters a judgment on the matter.

### **BEST INTERESTS OF CHILD**

Up until the late 20<sup>th</sup> century, mothers in child custody cases had a distinct advantage. The tender years doctrine was a legal principle in common law that presumed the mother should have custody of a young child, because she was considered to be the best parent to raise the child during these "tender years." By the late 20<sup>th</sup> century, all states replaced this doctrine with a focus on what kind of custody arrangement would best serve a child's physical and emotional well-being (Burchard v. Garay, 1986). According to the case law, courts do not automatically give custody to the mother or the father, no matter what the age or sex of the children. Courts will also not deny a parent's right to custody or visitation just because they were never married

to the other parent, or because one parent has a physical disability or a different lifestyle, religious belief, or sexual orientation (Judicial Council of California, n.d.).

## **Interparental Contentiousness**

If parents are asking the court to make decisions about their children, there is generally some interparental contentiousness. As described by Koel et al. (1994), “Litigation is often an index of inter-parental conflict and/or poor communication” (p. 265). In a national study, researchers discovered that only 25% of custody cases involved active collaboration between parents two years following the custody litigation (Furstenberg & Nord, 1983). In fact, in the majority of the custody cases reviewed, communication between parents happened only around visitation schedules.

Contentiousness in custody cases has a range of impacts, including protracted legal disputes, heightened emotional tensions, and negative effects on the children. It can also cause parents to return to the court repeatedly for custody-related matters that they are unable to resolve on their own, which can contribute to court congestion, family instability, and increased conflict.

## **CONTENTIOUSNESS AND CHILD OUTCOMES**

Exposure to interparental conflict has been related to a wide range of child adjustment difficulties, from depression and anxiety to conduct and behavioral problems to poor academic performance. In fact, acrimony between parents has been recognized as the primary cause for a child’s emotional maladjustment following their parents’ separation, having a stronger impact than the divorce itself (Booth & Amato, 2001; Chase-Landsdale, Cherlin, & Kiernan, 1995; Leon, 2003; Schepard, Atwood, & Schlissel, 1992). The level of conflict also matters: Researchers who studied the guardian ad litem reports for 105 children involved in custody cases found that emotional distress among children was linked to the level of conflict between their parents (Ayoub, Deutsch, & Maraganore, 1998). Contentiousness between parents often leads to protracted custody cases and repeated pleadings over time. Substantial research has found that contentious custody battles and continual litigation can have harmful effects on the children involved (Zeitler & Moore, 2008; Kelly, 2003; Grych & Fincham, 1992; Johnston, 1994). The typical challenges faced by children of divorced parents are aggravated when parents continually use the court system to settle custody disputes (Zeitler & Moore, 2008).

## **CONTENTIOUSNESS AND COURT INVOLVEMENT**

Many parents seek the assistance of the courts to establish custody orders. One study found that approximately one-fifth of California divorce cases with children ended up in the court system to adjudicate custody matters (Johnston, 1994). A study of more than 1,000 California families found that 10% of parents in custody litigation experienced “substantial legal conflict” and an additional 15% experienced “intense legal conflict” (Maccoby & Mnookin, 1992). While California instituted a requirement that parents attempt to resolve their case with the assistance with court-provided mediators before their hearing, parents often need the assistance of a judge in making an order.

Custody cases can remain open for years (until the child reaches the age of majority). While the court endeavors to establish custody arrangements that are in the best interests of the child and are durable, it is not uncommon for parents to request modifications to existing custody

orders. One might think that joint custody orders would be more likely to endure. However, Elrod (2001) reviewed law studies and legal cases and found that joint custody orders were just as likely to be re-litigated as were sole custody orders.

In many cases, these modifications are necessary to accommodate changing life circumstances of parents and children. However, in some instances, frequent re-litigation is a symptom of interparental conflict and limited ability to negotiate independently. Studies have found anywhere from 10% (Hetherington & Kelly, 2002) to roughly half (Koel et al., 1994) of divorced parents continue to use the court system to re-litigate related, and sometimes the same, custody issues following initial divorce proceedings. Contentious cases are more likely to recur on the court calendar (Henry, Fieldstone, & Bohac, 2009; Kelly, 2003). Estimates indicate that approximately 10% of parents—those who are high conflict—are responsible for using 90% of the time and resources spent by family courts on custody cases (Neff & Cooper, 2004). Thus, it is no surprise that, “The longer a case lingers in the court system, the higher the cost to the court and the community” (Henry, Fieldstone, & Bohac, 2009). The costs of attorney fees, experts, and other professionals can often add extraordinary stress on parents and potentially take away resources that could be provided to the children for their education and other needs.

### **Potential Value of Mandatory Settlement Conferences**

In research on interventions for contentious custody cases, Kelly (2003) writes that a small group of chronically contentious and litigious parents are responsible for using the court’s resources and exposing children to events which may harm them emotionally and in other ways. Kelly concludes that, “Mandatory settlement conferences with judges, immediately following failed mediations, gives those angry parents who want their day in court the opportunity to be heard, without all the preparation for a more formal hearing or trial” (p. 40). The San Diego Shriver pilot custody project implemented mandatory settlement conferences, conducted by a judicial officer, for this purpose, and this report includes an examination of this court innovation. Settlement conferences are also held for custody cases in Los Angeles County, but were not specific to the Shriver project.

## Shriver Custody Pilot Projects

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### Project Descriptions and Implementation Overview

***Shriver client “Suzanne.”***

*When Suzanne applied for Shriver services, she had already filed a motion with the court seeking an order allowing her to move with her children out of the county. The father was largely absent in the children’s lives, but the children had spent quite a bit of time with their paternal grandparents, who lived nearby. The paternal grandparents were adamantly opposed to the move and hired an attorney to embark on extensive litigation in an effort to prevent Suzanne from moving. The paternal grandparents successfully intervened in the case, and then both the father and the paternal grandparents were seeking custody of the children due to Suzanne’s request to move. This meant Suzanne was fighting for custody against both the father and his parents, who both were represented by attorneys. Suzanne was clearly at a great disadvantage in the proceedings. This changed after she became a Shriver client. Her attorney represented her during a lengthy and contentious battle. The case culminated in a trial that involved testimony from multiple witnesses and hundreds of proposed exhibits for the court to consider. In the end, the opposing party and his parents’ requests were denied and Suzanne’s request was granted. She was allowed to move with the children, and they are doing well in their new home.*





## PROJECT DESCRIPTIONS AND IMPLEMENTATION OVERVIEW

To understand the unique implementation circumstances and approaches of each pilot project, legal services agency staff and court staff were interviewed about their project’s context, service structure, and goals. This qualitative information was synthesized to create a thorough description of each project. Descriptions of the three custody pilot projects are provided in this section.

Implementation of the Shriver custody pilot projects was tracked through the collection of quantitative service data. At each project, legal services agency staff entered information into the program services database to record characteristics of the clients, cases, and services provided. Later in this section, a brief cross-project implementation overview is provided based on these aggregated data. Detailed service summaries for each pilot project, inclusive of several additional indicators, can be found in Appendix A. To fully understand each Shriver pilot project, the reader is strongly recommended to read these project service summaries.

### What services were provided by the Shriver Pilot Custody Projects?

The legislation sought to create services for low-income individuals and families, specifically those with incomes at or below 200% the Federal Poverty Level. The legislation also intended for services to reach parents who faced an opposing party with legal representation and who had other potential disadvantages navigating the legal system (e.g., limited English proficiency) or other risk factors that could impact their or their child’s well-being (e.g., domestic violence, mental health issues). Services were offered to mothers and fathers, as well as to parents who sought to obtain custody and those who sought to preserve it.

As the highest level of Shriver service, attorneys provided representation to clients for their custody case. This involved the attorney working on all aspects of the child custody case (essentially providing full representation for the custody proceedings), but was “limited scope” in that the legal assistance did not address other family law matters. In this report, this level of service termed Shriver **representation**. The projects also offered a range of **unbundled services**, which entailed legal help for discrete tasks, such as assistance preparing forms, education, brief counsel and advice, and representation for a mediation session.

Shriver projects offered a range of legal services and each project employed a unique service model based on their local circumstances. At all sites, Shriver services involved legal assistance provided by legal aid services attorneys, and some included services provided by Superior Court staff. A description of each project’s service structure follows.



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## **Shriver Pilot Project Description: Los Angeles County**

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This section describes how the Shriver Los Angeles pilot custody project addressed child custody cases. This summary includes information on the program context, involved agencies, and service model. Detailed information on the litigants who received service, case characteristics, and outcomes can be found in the project service summary in Appendix A.

### **Project Context**

#### **COMMUNITY**

In 2014, the population of Los Angeles County had an estimated 10 million individuals, of which 17.8% were living under the Federal Poverty Level. The median household income was \$55,909 (or \$4,659 per month) and the average number of persons per household was 3.0.<sup>1</sup>

#### **AGENCIES AND COURTS INVOLVED**

The Los Angeles pilot custody project is a collaboration between the Los Angeles Center for Law and Justice (LACLJ) and Levitt & Quinn Family Law Center (L&Q) which offer legal aid services,<sup>2</sup> and three entities at Superior Court’s Stanley Mosk (“Mosk”) Courthouse—namely, the Self-Help Resource Center (SHRC), Family Court Services (FCS), and the domestic violence clinic of the Los Angeles County Bar Association. LACLJ serves as the primary point of contact for the project and coordinates all services. The two-firm structure allows the project to handle conflicts of interest, and provide services to both parents in family law cases if the parties are eligible. All LACLJ and L&Q client-facing staff members are bilingual in English and Spanish.

The Superior Court of California, County of Los Angeles has more than 40 courthouses that cover the 4,000 square mile county. The Mosk courthouse, which houses the LA pilot custody project, is in the Central District, is the largest court and has the largest SHRC and FCS offices in the County. Mosk also covers many of the poorest areas of Los Angeles—Skid Row, East and South Los Angeles, and Pico-Union—where many vulnerable individuals and families with limited capacity to access courts, secure representation, or represent themselves reside.

Legal aid services to litigants with family law cases has diminished in recent years and, in Los Angeles County, had been limited primarily to cases involving domestic violence. Prior to the implementation of the Shriver custody pilot project in Los Angeles, there were few agencies offering free or low-cost legal services to litigants in custody cases, and many of the litigants who are eligible for free Shriver services may not have qualified for the free or low-cost services that LACLJ or L&Q offered previously. Furthermore, the Shriver project targeted services toward the most complex cases, whose long-lasting and high-conflict nature often made it impossible for existing nonprofit agencies to effectively address. Self-represented litigants could also seek assistance from the SHRC, which provides legal information and education to help parties complete their paperwork and represent themselves in their cases, but services are based on a

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<sup>1</sup> Demographic data were retrieved from the U.S. Census Bureau, County & States Quickfacts at [www.census.gov](http://www.census.gov) in July 2015.

<sup>2</sup> The Los Angeles pilot custody project initially contracted with Barrio Action Youth and Family Center to offer case management services and also with the Asian Pacific American Legal Center for interpreter services, but these programs were discontinued due to under-utilization.



first come, first served basis and are limited to basic information and assistance rather than coaching, advice, and representation.

## **Project Implementation Model**

The Los Angeles pilot custody project entailed legal aid services provided by two agencies, with referrals coming through the SHRC, FCS, and LA Bar Association located at the Mosk Courthouse. LACLJ staffed a project coordinator and stationed the pilot project office at the courthouse to manage the referrals and services.

### **LEGAL AID SERVICES**

#### ***Services Offered, Referral Sources, and Eligibility Requirements***

The Los Angeles pilot custody project offers unbundled legal services, such as legal advice and document preparation, as well as limited scope representation (“representation”) to eligible clients. The project also funded interpreters for clients when meeting with their lawyers and other court staff, such as FCS, a service now provided by the court.

LACLJ and Levitt & Quinn provide legal services for clients meeting the project criteria: (1) a monthly income not greater than 200% of Federal Poverty Level, and a case that (2) involves a “high-conflict” custody issue and (3) is pending at the Mosk courthouse. To assess whether a case is high conflict and to determine eligibility and level of service, attorneys determine whether the opposing party has legal representation and consider the legal merits of the client’s position, history of mental illness and other disabilities, domestic violence, immigration status, age, language access, current custodial status, and child welfare. Every client, whether or not they are offered representation is provided with a detailed assessment of and advice about their case and education about the legal process.

Partners at the Mosk courthouse—namely, the SHRC, FCS, and the LA Bar Domestic Violence Services Project—are the primary source of project referrals. Many self-represented litigants seek assistance from the SHRC, which provides information to help litigants represent themselves in their custody cases. SHRC services are provided through workshops and on a first come, first served basis and are generally not appropriate for litigants with complex, high-conflict custody issues. FCS also sees many self-represented litigants, who are ordered to complete mediation in custody cases. The LA Bar’s Domestic Violence Services Project provides legal help to victims of domestic violence, many of whom are simultaneously contending with issues related to child custody. The SHRC staff, FCS mediators, DV Services Project staff screen and refer litigants in high-conflict custody cases to the Los Angeles pilot custody project office. LACLJ and L&Q enroll eligible litigants as clients and provide legal advice, document preparation, representation, mediation, and support services as needed.

In addition to legal services, the Los Angeles pilot custody project provides clients with social service support and referrals. LACLJ includes masters-level social work student interns as part of its legal team. These “Community Care Advocates” (CCA) conduct a comprehensive assessment of litigants when they present for Shriver services. Litigants who receive brief legal services (e.g., legal advice) are given a list of available local services, and litigants who receive extended legal services receive more ongoing support and assistance from the CCA over the course of their case. The services provided are determined by the case attorney, supervised by a LCSW,

aligned with client goals, and might include education about domestic violence, safety planning, warm handoff for mental health treatment, referrals for housing placements, or accompaniment to various appointments.

Other referral sources include other legal aid agencies in LA County, private bar attorneys, and judges. The court also includes notices in its mailings to litigants informing them of services available at the self-help center, and the project coordinator stays in contact with court deputies who are aware of eligible cases. The Shriver project also works closely with other local non-profits, including local domestic violence services agencies, to refer clients to the LACLJ for legal assistance needs.

## **COURT-BASED SERVICES**

### ***Services Offered, Referral Sources, and Eligibility Requirements***

At the start of the Los Angeles pilot custody project, the court offered an 8-hour, Shriver-funded parenting class, that was designed for parents in high-conflict custody disputes and explained the impacts of such disputes on children. The project offers the class to all parents going through FCS. LACLJ collaborated with FCS to create a six-part video series (in English and dubbed in Spanish) that is available online, and accessible when the court orders litigants to complete parenting courses. FCS also created a shorter version, to be publicly available via the court and LA pilot custody project websites.

These Shriver-funded services are in addition to the existing (not Shriver-funded) mediation services, through FCS, that are mandatory for all families in custody disputes. As part of these mediation services, Los Angeles Superior Court offers an online program to prepare families for the session. The program is designed to provide information to litigants on the mediation process and prepare them to attend. The online program is available in English or Spanish.

**Table C1. Legal Aid Services and Court-Based Shriver Services  
Available from the Los Angeles Pilot Custody Project**

<b>Services Available</b>	<b>Shriver Service Location</b>	
	<b>Legal Services</b>	<b>Court</b>
In-person parenting class		√
Online parenting class		√
Brief counsel and advice	√	
Document preparation	√	
Legal education	√	
Court representation	√	
Language interpretation	√	√
Representation	√	

## **GOALS FOR CLIENTS**

The main goal of the LA pilot custody project is to provide access to quality legal services for parents in high-conflict custody cases to help bring about the most beneficial results for the family. The project avoids tactics that needlessly discredit the opposing party, as that is not conducive to resolving conflict (but typically increases it). The project encourages settlement when appropriate, attempts to decrease non-meritorious litigation, and strives to obtain child-centered custody orders. In cases where the attorney determines that the client's legal position lacks merit or the client is encouraging conflict, the attorney provides legal advice and will not encourage the client to move forward with that particular request.

## **Brief Summary of Service Provision**

Below is a list of service provision highlights. For a more extensive and detailed accounting of services provided, the reader should refer to the full project service summary in Appendix A.

Information regarding the service provision, case characteristics, and outcomes were obtained from the program services database. Data were collected by LACLJ and L&Q staff on all parties seeking services from February 2012 through November 2015. This section presents data pertaining to the legal aid services clients only; data were not available for the litigants who attended parenting class or watched the parenting video at the court.

## **WHO RECEIVED LEGAL AID SERVICES?**

Between February 2012 and November 2015, the Los Angeles pilot custody project provided legal aid services to litigants in 403 cases. At intake, Shriver attorneys collected information about their clients, including demographics, household characteristics, and aspects of the custody case. Overall, the average client age was 35 years (median = 34), 82% were female, 73% were Hispanic or Latino, 46% had some post-secondary education, 17% had a known or observable disability,<sup>3</sup> and 62% had limited English proficiency (i.e, could not effectively communicate in English without the assistance of an interpreter). Demographic characteristics varied slightly between the litigants who received representation and those who received unbundled services. Table C2 shows the characteristics of the 403 litigants receiving Shriver legal aid services, by level of service received.

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<sup>3</sup> The most common type of disability or disorder was a psychiatric or emotional disability (6%, *n*=25), followed next by more than one disability/disorder, (5%, *n*=22), physical disability (2%, *n*=7), or other disability (4%, *n*=16).

**Table C2. Demographic Characteristics of Shriver Legal Aid Services Clients**

Client Level Characteristics	Level of Service		
	Representation N (%)	Unbundled Services N (%)	Total N (%)
<b>Age (years)</b>			
18 to 24	19 (10%)	27 (13%)	46 (11%)
25 to 44	157 (81%)	140 (67%)	297 (74%)
45 to 61	17 (9%)	39 (19%)	56 (14%)
62 or older	0 (0%)	2 (1%)	2 (<1%)
Unknown/not collected	1 (1%)	1 (<1%)	2 (<1%)
<b>Gender</b>			
Male	26 (13%)	44 (21%)	70 (17%)
Female	164 (85%)	165 (79%)	329 (82%)
Transgender	1 (1%)	0 (0%)	1 (<1%)
Unknown/not collected	3 (2%)	0 (0%)	3 (1%)
<b>Race/Ethnicity<sup>a</sup></b>			
Black or African American	19 (11%)	44 (20%)	63 (16%)
Hispanic/Latino	153 (78%)	142 (68%)	295 (73%)
White	8 (4%)	14 (7%)	22 (5%)
Other	12 (6%)	9 (4%)	21 (5%)
Unknown/declined	2 (1%)	0 (0%)	2 (<1%)
<b>Education</b>			
High school degree or less	98 (50%)	115 (55%)	213 (53%)
Any post-secondary	92 (47%)	93 (45%)	185 (46%)
Unknown/not collected	5 (3%)	0 (0%)	5 (1%)
<b>Limited English Proficiency</b>			
Yes	128 (66%)	122 (58%)	250 (62%)
No	66 (34%)	87 (42%)	153 (38%)
<b>Disability</b>			
Yes	29 (15%)	41 (19%)	70 (17%)
No	163 (84%)	164 (79%)	327 (81%)
Unknown/not collected	2 (1%)	4 (2%)	6 (1%)
<b>Total</b>	<b>194 (100%)</b>	<b>209 (100%)</b>	<b>403 (100%)</b>

*Note.* Data obtained from the Shriver project services database (as of 11/12/15). <sup>a</sup> Litigants who identified as Hispanic/Latino and any other race/ethnicity are included in the Hispanic/Latino row.

Approximately half (45%) of Shriver clients received CalFresh benefits<sup>4</sup> and 53% received public health benefits, such as Medi-Cal.<sup>5</sup> The median monthly household income was \$952 (mean = \$1,126), which is far below the 2014 income threshold of \$2,613 for a family of at least two.

<sup>4</sup> The CalFresh Program, federally known as the Supplemental Nutrition Assistance Program (SNAP; formerly “food stamps”), provides qualified, low-income households with monthly electronic benefits that can be used to buy most foods at many markets and food stores.

<sup>5</sup> Medi-Cal offers free or low-cost health coverage for low-income children, pregnant women, and families.

(The income of the opposing party was not known.) Table C3 shows the household characteristics for litigants receiving Shriver legal services, by level of service.

**Table C3. Household Characteristics of Shriver Legal Aid Services Clients**

Clients' Household Level Characteristics	Level of Service		
	Representation	Unbundled Services	Total
<b>Monthly Income</b>			
Mean	\$1,182	\$1,074	\$1,126
Median	\$995	\$906	\$952
SD	\$892	\$752	\$823
Range	\$0 to \$4,575	\$0 to \$3,530	\$0 to \$4,575
<b>Received CalFresh Benefits, N (%)</b>			
Yes	77 (39%)	104 (50%)	181 (45%)
No	117 (61%)	105 (50%)	222 (55%)
<b>Received Public Health Benefits, N (%)</b>			
Yes	101 (52%)	113 (54%)	214 (53%)
No	93 (48%)	96 (46%)	189 (47%)
<b>Total</b>	<b>194 (100%)</b>	<b>209 (100%)</b>	<b>403 (100%)</b>

*Note.* Data obtained from the Shriver project services database (as of 11/12/15).

## CASE CHARACTERISTICS AND OUTCOMES

From February 2012 through November 2015, the Los Angeles pilot custody project provided services to litigants in 403 cases. Nearly half (48%) of these cases received representation, and half (52%) received unbundled services. Of those litigants who received representation, 70% were facing an opposing party with legal representation. When Shriver attorneys provided representation for a case, they spent an average of 237 days (or 7.8 months) and worked an average of 46 hours (median = 28). When Shriver attorneys provided unbundled services, they worked an average of 6 hours (median = 4) on each case.

Among cases that received representation by Shriver counsel:

**Legal custody.** At intake, 19% of Shriver clients had sole legal custody of the child and 63% wanted it. At resolution, 30% of clients were awarded sole legal custody. In contrast, at intake, 10% of opposing parties had sole legal custody and 30% wanted it. At resolution, 8% of opposing parties were awarded sole legal custody. The percentage of cases with joint legal custody increased from 31% at intake to 49% at resolution. Many of these changes are due to the 36% of cases without legal custody orders at intake (see Table C4).

**Physical custody.** At intake, 33% of Shriver clients had sole physical custody of the child and 81% wanted it. At resolution, 55% of clients were awarded sole physical custody. In contrast, at intake, 17% of opposing parties had sole physical custody and 41% wanted it. At resolution, 16% of opposing parties were awarded sole legal custody. The percentage of cases with joint physical custody was 12% at intake and 16% at resolution. Many of these changes are due to the 36% of cases without custody orders at intake (see Table C4).



**Visitation/ Parenting time.** Of the cases in which one party was awarded sole physical custody, 66% of non-custodial parents received scheduled, unsupervised parenting time with the child(ren). For the 33 cases where supervised visitation was ordered for the non-custodial parent, the primary reason was due to concerns for domestic violence (42%), reintroduction (9%), or multiple reasons (12%).

**Table C4. Child Custody Orders at Intake, Client’s Goals, Opposing Party’s (OP) Goals, and Custody Outcomes for Shriver Representation Clients**

<b>Custody Orders</b>	<b>Status At Intake N (%)</b>	<b>Client’s Goals N (%)</b>	<b>OP’s Goals N (%)</b>	<b>Outcome N (%)</b>
<b>Legal Custody</b>				
No previous orders	70 (36%)	--	--	--
Client has sole custody	37 (19%)	122 (63%)	6 (3%)	58 (30%)
Share joint custody	61 (31%)	65 (34%)	86 (44%)	95 (49%)
OP has sole custody	19 (10%)	0 (0%)	59 (30%)	16 (8%)
Other	0 (0%)	0 (0%)	1 (1%)	1 (1%)
Not applicable	--	2 (1%)	1 (1%)	21 (11%)
Missing/unknown	7 (4%)	4 (2%)	41 (21%)	3 (2%)
<b>Physical Custody</b>				
No previous orders	69 (36%)	--	--	--
Live with client all or most of the time	64 (33%)	157 (81%)	22 (11%)	106 (55%)
Share equal time (joint custody)	23 (12%)	28 (14%)	50 (26%)	32 (16%)
Live with OP all or most of the time	33 (17%)	5 (3%)	79 (41%)	32 (16%)
Other	0 (0%)	0 (0%)	4 (2%)	0 (0%)
Not applicable	--	1 (1%)	0 (0%)	0 (0%)
Missing/unknown	5 (3%)	3 (2%)	39 (20%)	24 (12%)
<b>Visitation</b>				
No previous orders	73 (38%)	--	--	--
Reasonable visitation	4 (2%)	8 (4%)	10 (5%)	3 (2%)
Scheduled (unsupervised) visitation	64 (33%)	109 (56%)	98 (51%)	114 (59%)
Supervised visitation for client	13 (7%)	1 (1%)	19 (10%)	6 (3%)
Supervised visitation for OP	11 (6%)	52 (27%)	4 (2%)	28 (14%)
No visitation for client	3 (2%)	0 (0%)	5 (3%)	0 (0%)
No visitation for OP	16 (8%)	13 (7%)	1 (1%)	7 (4%)
Other	3 (2%)	4 (2%)	7 (4%)	5 (3%)
Not applicable	--	4 (2%)	3 (2%)	26 (13%)
Missing/Unknown	7 (4%)	3 (2%)	47 (24%)	5 (3%)
<b>Total</b>	<b>194 (100%)</b>	<b>194 (100%)</b>	<b>194 (100%)</b>	<b>194 (100%)</b>

*Note.* Data obtained from the Shriver project services database (as of 11/12/15). Includes limited representation cases only (n=195).

**Other case outcomes.** A small proportion of cases entailed additional orders. Parenting classes were ordered for either the client or opposing party in 7% to 9% of cases. Clients in 4% of cases were ordered or agreed to participate in therapy, and child therapy was ordered for 10% of cases. A restraining order was granted for the client in 15% of cases. Criminal protective orders



were granted for the client in 2% of cases and the opposing party was ordered to participate in a 52-week batterer’s program in 3% of cases. Lastly, when asked about the frequency of police involvement in the 3 months before Shriver intake and the 3 months prior to case resolution, 23% of Shriver clients reported a decrease in the frequency of police involvement and 4% reported an increase.

## **Shriver Pilot Project Description: San Diego County**

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This section describes how the Shriver San Diego pilot custody project addressed child custody cases. This summary includes information on the program context, involved agencies, and service model. More detailed information on the litigants who received service, case characteristics, and outcomes can be found in Appendix A.

### **Project Context**

#### **COMMUNITY**

In 2014, the population of San Diego County had an estimated 3.2 million individuals, of which 14.4% were living below the Federal Poverty Level. The median county household income was \$62,962 (or \$5,247 per month) and the average number of persons per household was 2.8.<sup>6</sup>

#### **AGENCIES AND COURTS INVOLVED**

The San Diego pilot custody project involved a collaboration between San Diego Volunteer Lawyer Program (SDVLP) and the San Diego Superior Court. Before the Shriver project, there were no free legal services available for self-represented litigants facing a represented opposing party in custody and visitation disputes. The Family Law Facilitator's (FLF) Office, part of the court, provides information to self-represented parents who have questions about family law issues, but FLF services are based on a first-come, first-served model and do not include help in the courtroom. With the addition of Shriver services in San Diego, low-income litigants involved in custody disputes could access free legal services, regardless of their current custody status, and the services offered at SDVLP were expanded beyond victims of domestic violence.

The San Diego Superior Court is comprised of four divisions across the county: Central Division (downtown), North County, South County, and East County. The Shriver San Diego pilot custody project serves litigants whose cases are heard in the downtown, Central Division, courthouse. In late 2013, the Shriver project was expanded to include litigants in the East County courthouse. Custody litigants may receive self-help assistance at the Central Courthouse or at the Family Law Courthouse, located approximately seven blocks from the Central Courthouse.

### **Project Implementation Model**

The San Diego pilot custody project entailed both legal aid services and court-based services. Specifically, SDVLP provided representation and unbundled services to parties in custody cases. In addition, the San Diego Superior Court implemented Shriver Settlement conferences, an innovation for this court, whereby a judge facilitated a settlement conference with the parties in custody disputes. The FLF Office collaborated with SDVLP to streamline the referral process, by referring litigants and by including information about Shriver services in all forms packets.

The project began in February 2012 and involved representation to litigants in custody and visitation disputes where one party was seeking sole legal or physical custody and the opposing party had retained legal representation. In response to litigant needs, and concerns that the

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<sup>6</sup> Demographic data were retrieved from the U.S. Census Bureau, County & States Quickfacts at [www.census.gov](http://www.census.gov) in July 2015.

original eligibility criteria were too restrictive, the initial service structure was adapted in January 2013 in an effort to assist a greater number of litigants. The second phase of the project allowed unbundled services to be provided to custody cases with self-represented litigants on both sides.

## **LEGAL AID SERVICES**

### ***Services Offered, Referral Sources, and Eligibility Requirements***

SDVLP served as the central point of contact for the San Diego pilot custody project. SDVLP staff screened cases for eligibility and provided legal services (including representation) to eligible litigants. SDVLP also coordinated training for providers of expanded self-help services, while this component of the project was active.<sup>7, 8</sup>

To be eligible to receive representation from an attorney at SDVLP, a litigant must have a monthly income not greater than 200% of the Federal Poverty Level, be involved in a custody dispute in which at least one party is requesting sole legal or physical custody, and be facing an opposing party represented by an attorney. SDVLP provided Shriver services to anyone who met these eligibility criteria, and cases meeting additional merit criteria were prioritized for representation, which involved assistance by the attorney on all aspects of the custody dispute. If the opposing party in the custody dispute was also self-represented, the Shriver client was provided with unbundled services such as education, brief counsel and advice, and other paperwork preparation.

Litigants were referred to the Shriver project through a variety of sources. Shriver services were publicized on the court's website and flyers were stapled to the front of the court packets containing custody forms. The FLF Office handed out informational flyers, which included general eligibility guidelines, and litigants waiting in line to receive assistance from the FLF were screened for Shriver eligibility by a Shriver staff member. Litigants could also call a legal aid hotline, staffed by Legal Aid Society of San Diego, where they were screened for eligibility and referred to SDVLP for services.

## **COURT-BASED SERVICES**

### ***Services Offered, Referral Sources, and Eligibility Requirements***

In addition to the legal aid services provided by SDVLP, the San Diego Superior Court implemented Shriver Settlement Conferences. Self-represented litigants were scheduled for settlement conferences through Family Law Business Office (or clerk's office), and the

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<sup>7</sup> For a limited time, when both sides in the custody dispute were self-represented, each party was provided expanded self-help services (i.e., legal advice and counsel) by certified law students, supervised by faculty members, prior to the start of the settlement conference. The certified law students and faculty were trained by attorneys at SDVLP. This component of the San Diego pilot custody project is no longer in operation, and data for these cases were not available for this report.

<sup>8</sup> In the original project proposal, SDVLP also planned to implement a FastTrack program, whereby litigants seeking services at the beginning of the court case would be set up with a series of conferences and expedited hearings designed to resolve the case within 60 days of filing, as opposed to the typical four to six month timeframe. However, litigants seeking Shriver services often did not approach SDVLP at the outset of their cases (i.e., many waited until immediately before their hearings to seek assistance), which made the Fast Track program ultimately not possible to implement.

conference was overseen by a judge, but in a less formal setting than a court hearing. These settlement conferences were designed specifically to serve Shriver litigants and were conducted when both parties agreed to participate. Litigants could be referred for Shriver settlement conferences at any point in their case, and the referral could come from SDVLP or the case's presiding judge.

**Table C5. Legal Aid Services and Court-Based Shriver Services  
Available from the San Diego Pilot Custody Project**

Services Available	Shriver Service Location	
	SDVLP	Court
Settlement conferences		√
Legal education	√	
Brief counsel and advice	√	
Representation at settlement conferences	√	
Document preparation	√	
Representation	√	

## GOALS FOR CLIENTS

The San Diego pilot custody project reported that their top goals were to resolve cases as soon as possible, through alternative dispute resolution services, such as settlement conferences and mediation. Settlement conferences are seen as, potentially, the best option for the litigant, the children, and the court. Stakeholders explained that when the parties play a role in the negotiation and settlement of their cases, they have the ability to exercise some control over the outcomes of their case and are, therefore, typically more satisfied with the arrangement and less likely to return to court for the same matter. Early resolution helps assure stability for the children, and stakeholders reflected that parents seem more likely to respectfully collaborate (or “co-parent”) on custodial matters, which serves the best interest of the child.

## Brief Summary of Service Provision

Below is a list of service provision highlights. For a more extensive and detailed accounting of services provided, the reader should refer to the full project service summary in Appendix A.

Information regarding the types of services provided, case characteristics, and outcomes were obtained from the program services database entered by SDVLP staff.

## WHO RECEIVED SHRIVER SERVICES?

Between February 2012 and November 2015, the San Diego pilot custody project provided legal aid services to litigants in a total of 470 cases. Of these cases, 36% received representation and 64% received unbundled services. During this same period, a total of 129 Shriver cases participated in at least one settlement conference. Of these cases, 123 were receiving Shriver representation and six were receiving unbundled services.

At the time of Shriver intake, SDVLP staff members collected information about their clients, including demographics, household characteristics, and characteristics pertinent to the custody case. The average age of the client was 31 years, 75% were female, 49% were Hispanic or

Latino, half had at least some post-secondary education, 20% had a known or observable disability,<sup>9</sup> and 8% could not effectively communicate in English without interpretation (Limited English Proficiency). Demographic characteristics varied modestly between litigants who received representation and those who received unbundled services. Table C6 displays the demographic characteristics of the 470 litigants served by SDVLP, by level of service.

**Table C6. Demographic Characteristics of Shriver Legal Aid Services Clients**

Client Level Characteristics	Level of Service		
	Representation N (%)	Unbundled Services N (%)	Total N (%)
<b>Age (years)</b>			
18 to 24	21 (12%)	80 (27%)	101 (21%)
25 to 44	135 (79%)	199 (67%)	334 (71%)
45 to 61	15 (9%)	20 (7%)	35 (7%)
62 or older	0 (0%)	0 (0%)	0 (0%)
Unknown/not collected	0 (0%)	0 (0%)	0 (0%)
<b>Gender</b>			
Male	30 (18%)	88 (29%)	118 (25%)
Female	140 (82%)	211 (71%)	351 (75%)
Transgender	0 (0%)	0 (0%)	0 (0%)
Unknown/not collected	1 (1%)	0 (0%)	1 (0%)
<b>Race/Ethnicity<sup>a</sup></b>			
Asian	14 (5%)	8 (5%)	22 (5%)
Black or African American	18 (11%)	62 (21%)	80 (17%)
Hispanic/Latino	72 (42%)	160 (54%)	232 (49%)
White	56 (33%)	39 (13%)	95 (20%)
Other	16 (9%)	15 (5%)	31 (7%)
Unknown/declined	1 (1%)	9 (3%)	10 (2%)
<b>Education</b>			
High school degree or less	48 (28%)	152 (51%)	200 (43%)
Any post-secondary	96 (56%)	141 (47%)	237 (50%)
Unknown/not collected	27 (16%)	6 (2%)	33 (7%)
<b>Limited English Proficiency</b>			
Yes	17 (10%)	21 (7%)	38 (8%)
No	154 (90%)	278 (93%)	432 (92%)
Unknown/not collected	0 (0%)	0 (0%)	0 (0%)
<b>Disability</b>			
Yes	58 (34%)	41 (14%)	99 (21%)
No	97 (57%)	190 (64%)	287 (61%)
Unknown/not collected	16 (9%)	68 (23%)	84 (18%)
<b>Total</b>	17 (100%)	299 (100%)	470 (100%)

<sup>9</sup> Most common was a psychiatric or emotional disability (9%, *n*=41), multiple disabilities/disorders (4%, *n*=18), a substance use disorder (4% *n*=17), physical disability (2%, *n*=9), or other disability (2%, *n*=14).

	Level of Service		
	Representation	Unbundled Services	Total
Client Level Characteristics	<i>N</i> (%)	<i>N</i> (%)	<i>N</i> (%)

*Note.* Data obtained from the Shriver project services database (as of 11/12/15). <sup>a</sup> Litigants who identified as Hispanic/Latino and any other race/ethnicity are included in the Hispanic/Latino row.

More than one third of Shriver clients (37%) received CalFresh benefits,<sup>10</sup> and 51% received public health benefits, such as Medi-Cal.<sup>11</sup> The median household monthly income was \$1,200 (mean = \$1,302), which is far below the 2014 income threshold of \$2,613 for a family of at least two. The income of the opposing parent was not known. Table C7 details the household characteristics for Shriver clients served by SDVLP, broken down by level of service.

**Table C7. Household Characteristics of Shriver Legal Aid Services Clients**

Client's Household Level Characteristics at Shriver Intake	Level of Service		
	Representation	Unbundled Services	Total
<b>Monthly Income</b>			
Mean	\$1,235	\$1,340	\$1,302
Median	\$1,194	\$1,200	\$1,200
<i>SD</i>	\$756	\$900	\$851
Range	\$0 to \$3,118	\$0 to \$4,350	\$0 to \$4,350
Missing	0 (0%)	0 (0%)	0 (0%)
<b>Received CalFresh Benefits, <i>N</i> (%)</b>			
Yes	71 (42%)	101 (34%)	172 (37%)
No	100 (58%)	198 (66%)	298 (63%)
Missing	0 (0%)	0 (0%)	0 (0%)
<b>Received Public Health Benefits, <i>N</i> (%)</b>			
Yes	65 (38%)	173 (58%)	238 (51%)
No	106 (62%)	126 (42%)	232 (49%)
Missing	0 (0%)	0 (0%)	0 (0%)
<b>Total</b>	<b>17 (100%)</b>	<b>299 (100%)</b>	<b>470 (100%)</b>

*Note.* Data obtained from the Shriver project services database (as of 11/12/15).

## CASE CHARACTERISTICS AND OUTCOMES

From February 2012 through November 2015, SDVLP provided legal aid services to litigants in 470 cases. Of these cases, 36% received representation and 64% received unbundled services. Of those litigants that received representation, 97% were facing an opposing party with legal representation. Shriver attorneys spent an average of 25 hours (median = 20) providing representation for a case and an average of 3 hours (median = 3) on each unbundled services

<sup>10</sup> The CalFresh Program, federally known as the Supplemental Nutrition Assistance Program (SNAP; formerly “food stamps”), provides qualified, low-income households with monthly electronic benefits that can be used to buy most foods at many markets and food stores.

<sup>11</sup> Medi-Cal offers free or low-cost health coverage for low-income children, pregnant women, and families.



case. Among the 171 cases provided representation by SDVLP, 72% participated in a Shriver settlement conference.

Among cases that received representation by Shriver counsel:

**Legal custody.** At intake, 12% of Shriver clients had sole legal custody of the child and 54% wanted it. At resolution, 9% of clients were awarded sole legal custody. In contrast, at intake, 9% of opposing parties had sole legal custody and 39% wanted it. At resolution, 8% of opposing parties were awarded sole legal custody. The percentage of cases with joint legal custody increased from 37% at intake to 71% at resolution. Many of these changes are due to the 42% of cases without legal custody legal orders at intake (see Table C8).

**Physical custody.** At intake, 32% of Shriver clients had sole physical custody of the child and 85% wanted it. At resolution, 40% of clients were awarded sole physical custody. In contrast, at intake, 18% of opposing parties had sole physical custody and 63% wanted it. At resolution, 30% of opposing parties were awarded sole physical custody. The percentage of cases with joint physical custody was 11% at intake and 18% at resolution. Many of these changes are due to the 39% of cases without physical custody orders at intake (see Table C8).

**Visitation/Parenting time.** Of the cases where one party was awarded sole physical custody, 81% of non-custodial parents received scheduled, unsupervised parenting time with the child(ren). For the 13 cases where supervised visitation was ordered for the non-custodial parent, the primary reason pertained to concerns about domestic violence (23%), abduction (8%), and reintroduction (8%).

**Other case outcomes.** A minority of cases involved additional court orders. Therapy was ordered for Shriver clients in 16% of cases and for children in 19% of cases. Parenting classes were ordered for either parent in about 20% of cases. Lastly, when asked about the frequency of police involvement in the 3 months prior to Shriver intake and the in the 3 months prior to case resolution, 18% of clients reported a decrease in the frequency of police involvement and 2% reported an increase.



**Table C8. Child Custody Orders at Intake, Client’s Goals, Opposing Party’s (OP) Goals, and Custody Outcomes for Shriver Representation Clients**

<b>Custody Orders</b>	<b>Status At Intake N (%)</b>	<b>Client’s Goals N (%)</b>	<b>OP’s Goals N (%)</b>	<b>Outcome N (%)</b>
<b>Legal Custody</b>				
No previous orders	71 (42%)	--	--	--
Client has sole custody	20 (12%)	93 (54%)	0 (0%)	16 (9%)
Share joint custody	64 (37%)	78 (46%)	99 (58%)	122 (71%)
OP has sole custody	16 (9%)	0 (0%)	67 (39%)	14 (8%)
Other	0 (0%)	0 (0%)	0 (0%)	2 (1%)
Not applicable	--	0 (0%)	0 (0%)	3 (2%)
Missing/unknown	0 (0%)	0 (0%)	5 (3%)	14 (8%)
<b>Physical Custody</b>				
No previous orders	67 (39%)	--	--	--
Live with client all or most of the time	54 (32%)	145 (85%)	17 (10%)	68 (40%)
Share equal time (joint custody)	18 (11%)	14 (8%)	43 (25%)	31 (18%)
Live with OP all or most of the time	31 (18%)	11 (6%)	107 (63%)	51 (30%)
Other	1 (1%)	1 (1%)	0 (0%)	0 (0%)
Not applicable	--	0 (0%)	0 (0%)	0 (0%)
Missing/unknown	0 (0%)	0 (0%)	4 (2%)	21 (12%)
<b>Visitation</b>				
No previous orders	69 (40%)	--	--	--
Reasonable visitation	6 (4%)	13 (8%)	22 (13%)	1 (1%)
Scheduled (unsupervised) visitation	61 (36%)	95 (56%)	98 (57%)	129 (75%)
Supervised visitation for client	11 (6%)	0 (0%)	30 (18%)	7 (4%)
Supervised visitation for OP	11 (6%)	48 (28%)	0 (0%)	6 (4%)
No visitation for client	4 (2%)	0 (0%)	6 (4%)	1 (1%)
No visitation for OP	4 (2%)	6 (4%)	0 (0%)	2 (1%)
Other	5 (3%)	9 (5%)	8 (5%)	9 (5%)
Not applicable	--	0 (0%)	0 (0%)	2 (1%)
Missing/Unknown	0 (0%)	0 (0%)	7 (4%)	14 (8%)
<b>Total</b>	<b>171 (100%)</b>	<b>171 (100%)</b>	<b>171 (100%)</b>	<b>171 (100%)</b>

*Note.* Data obtained from the Shriver project services database (as of 11/12/15).



## Shriver Pilot Project Description: San Francisco County

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This section describes how the Shriver San Francisco pilot custody project addressed child custody cases. This summary includes information on the program context, involved agencies, and service model. More detailed information on the litigants who received service, case characteristics, and outcomes can be found in Appendix A.

### Project Context

#### COMMUNITY

In 2014, the population of San Francisco County had an estimated 805,195 individuals, of which 12.1% were living under the Federal Poverty Level. The median county household income was \$78,378 (or \$6,532 per month) and the average number of persons per household was 2.3.<sup>12</sup>

#### AGENCIES AND COURTS INVOLVED

The San Francisco custody pilot project was a collaboration between the Justice & Diversity Center of the Bar Association of San Francisco (JDC; formerly the Volunteer Legal Services Program) and the San Francisco Superior Court, where family law cases are seen at the Civic Center Courthouse.

### Project Implementation Model

The project is administered by the Justice and Diversity Center of the Bar Association of San Francisco (JDC). JDC offers limited scope representation (“representation”) to litigants in custody cases who meet the Shriver eligibility criteria. The San Francisco Superior Court does not provide services directly to parties in a custody case, but does refer self-represented litigants to the JDC for services and provides office space for the project.

The San Francisco pilot custody project began in October 2011 by staffing the Court’s self-help center with a JDC attorney who provided legal information to self-represented litigants seeking assistance with a custody matter. The self-help attorney assisted litigants with paperwork and other information about the custody legal process. In January 2012, the JDC began offering Shriver legal services and representation to custody litigants.

#### LEGAL AID SERVICES

##### *Services Offered, Referral Sources, and Eligibility Requirements*

The JDC serves as the central point of contact for the San Francisco pilot custody project, provides case screening (by an attorney staffed at the self-help center as well as the project coordinator), and provides legal services (specifically, limited scope representation) to eligible litigants. To be eligible for representation from a JDC attorney, a litigant must have a monthly income not greater than 200% of the Federal Poverty Level, be involved in a custody dispute where at least one party is requesting sole legal or physical custody, and the opposing party must have legal representation. The San Francisco pilot custody project does not screen for

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<sup>12</sup> Demographic data were retrieved from the U.S. Census Bureau, County & States Quickfacts at [www.census.gov](http://www.census.gov) in September 2016.

merit. The project is staffed by one lead representing attorney and one part-time representing attorney who both provide limited scope representation to custody litigants, a part-time project coordinator, and the self-help attorney (located at the court self-help center). In April 2015, the project added a part-time social services advocate position, who helps connect Shriver clients to needed social services and community resources.

Approximately half of the project’s clients are identified and recruited from the Family Court’s Readiness Calendar,<sup>13</sup> which is devoted to new filings and scheduling cases for mediation and follow-up hearings. Project staff review the Readiness Calendar in advance to identify cases in which only one side is represented. If the case is lopsided, they then approach the self-represented litigant to introduce the Shriver project and conduct an initial income screening.

JDC also receives referrals from the Shriver self-help attorney and other staff at the court’s self-help center. If self-represented litigants are income eligible and sole custody is at issue, or it is likely that the opposing party will obtain counsel, the litigants will be referred to the Shriver project coordinator, who conducts further eligibility screenings and intake interviews.

Other referral sources include the JDC’s Family Law Project staff, private bar attorneys, and judges. The court also includes notices in its mailings to litigants informing them of services available at the self-help center. The project coordinator supplies program fliers to court deputies who disseminate the fliers to self-represented litigants in any lopsided case. The Shriver project also works closely with other non-profits in San Francisco, including local domestic violence services agencies, to refer clients to the JDC for legal assistance needs.

## **COURT-BASED SERVICES**

### ***Services Offered, Referral Sources, and Eligibility Requirements***

The San Francisco pilot custody project did not implement any new court-based services at the San Francisco Superior Court. The project did, however, staff a JDC attorney at the Court’s self-help center. This self-help attorney offers assistance with paperwork and information about the legal process, but does not provide legal advice. Important to the Shriver project, the self-help attorney is a primary source of referrals to the JDC attorneys offering Shriver legal services and representation. To receive self-help services from the self-help attorney, litigants must be self-represented and meet the income requirements.

**Table C9. Legal Aid Services and Court-Based Shriver Services Available from the San Francisco Pilot Custody Project**

<b>Services Available</b>	<b>Shriver Service Location</b>	
	<b>JDC</b>	<b>Court</b>
Assistance at self-help center		√
Representation	√	

<sup>13</sup> The calendar in each courtroom may have from 5 to 15 cases on the morning docket.

## **GOALS FOR CLIENTS**

The San Francisco pilot custody project has several goals for their clients, the first being to eliminate the advantage that a parent with legal representation has over a self-represented parent. When appropriate for the client, the project aims to settle cases, as opposed to going to trial, the outcomes of which are often unpredictable. Shriver staff think that, because parents participate in formulating the terms of settlement agreements, they more fully comprehend the terms to which they are agreeing and are less likely to challenge or protest, and thus, the orders will stand for longer. JDC attorneys also seek to educate clients about family court, so that they have a more informed understanding of the process and more realistic expectations for case outcomes. Attorneys hope that a better understanding of the court process, and more informed involvement in that process, will help parents feel that the court system provided just and fair results. All of these goals serve the ultimate end of providing a more stable environment for the children who are the focus of these complex and highly emotional cases.

## **Brief Summary of Service Provision**

Below is a list of service provision highlights. For a more extensive and detailed accounting of services provided, the reader should refer to the full project service summary in Appendix A.

Information regarding the types of services provided, case characteristics, and outcomes were obtained from the program services database. No information was available about the litigants who received assistance from the self-help center at the courthouse.

## **WHO RECEIVED COURT-BASED SELF-HELP SERVICES?**

Between October 2011 and September 2015, the San Francisco pilot custody project provided assistance at the Self-Help Resource Center, located at the courthouse, to 1,742 litigants involved in custody cases.

## **WHO RECEIVED LEGAL AID SERVICES?**

Between January 2012 and November 2015, the San Francisco pilot custody project provided representation to litigants in a total of 227 cases.

At the time of Shriver intake, JDC staff members collected information about their clients, including demographics, household characteristics, and characteristics pertinent to the custody case. As shown in Table C10, the average age of the client was 39 years (median = 37), 53% were female, 35% were Hispanic or Latino, 35% had at least some post-secondary education, 24% could not effectively communicate in English without the assistance of an interpreter (Limited English Proficiency), and 20% had a known or observable disability.<sup>14</sup>

Notably, the San Francisco pilot custody project has a higher proportion of male clients than the other two Shriver custody projects. Shriver staff members believe this may be due to the general availability of legal services to domestic violence survivors residing in the San Francisco metropolitan area, relative to other areas. Specifically, other local organizations provide legal assistance to female victims of domestic violence (but not necessarily to alleged abusers). Once

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<sup>14</sup> Most common types of disability or disorder were a psychiatric or emotional disability (7%, *n*=16), substance use disorder (7%, *n*=16), more than one disability/disorder, (3%, *n*=6), or physical disability (2%, *n*=5).

these women have an attorney, their male partner becomes eligible for Shriver services because he is facing a represented opposing party.

**Table C10. Demographic Characteristics of Shriver Legal Aid Services Clients**

<b>Client Level Characteristics</b>	<b>N (%)</b>
<b>Age (years)</b>	
18 to 24	9 (4%)
25 to 44	162 (71%)
45 to 61	50 (22%)
62 or older	4 (2%)
Unknown/not collected	2 (1%)
<b>Gender</b>	
Male	107 (47%)
Female	120 (53%)
Transgender	0 (0%)
Unknown/not collected	0 (0%)
<b>Race/Ethnicity<sup>a</sup></b>	
Asian	33 (14%)
Black or African American	40 (18%)
Hispanic/Latino	79 (35%)
White	55 (24%)
Other	9 (4%)
Unknown/declined	11 (5%)
<b>Education</b>	
High school degree or less	57 (25%)
Any post-secondary	80 (35%)
Unknown/not collected	90 (40%)
<b>Limited English Proficiency</b>	
Yes	54 (24%)
No	173 (76%)
Unknown/not collected	0 (0%)
<b>Disability</b>	
Yes	45 (20%)
No	114 (50%)
Unknown/not collected	68 (30%)
<b>Total</b>	<b>227 (100%)</b>

*Note.* Data obtained from the Shriver project services database (as of 11/12/15). <sup>a</sup> Litigants who identified as Hispanic/Latino and any other race/ethnicity are included in the Hispanic/Latino row.

Thirteen percent of Shriver clients received CalFresh benefits.<sup>15</sup> The median monthly household income was \$900 (mean = \$1,107), which is far below the 2014 income threshold of \$2,613 for a family of at least two. Information about the opposing party's income was not available. Table C11 details the household characteristics for Shriver clients served by JDC.

**Table C11. Household Characteristics of Shriver Legal Aid Services Clients**

Client's Household Level Characteristics	N (%)
<b>Monthly Income</b>	
Mean	\$1,107
Median	\$900
SD	\$1,102
Range	\$0 to \$5,360
Missing	0 (0%)
<b>Received CalFresh Benefits, N (%)</b>	
Yes	29 (13%)
No	198 (87%)
Missing	0 (0%)
<b>Total</b>	<b>227 (100%)</b>

*Note.* Data obtained from the Shriver project services database (as of 11/12/15).

## CASE CHARACTERISTICS AND OUTCOMES

From January 2012 through November 2015, JDC provided representation to parents in 277 cases. Among these, 98% of clients faced an opposing party with legal representation. Shriver attorneys spent an average of 23 hours (median = 15) working on each case.

Among these cases receiving Shriver representation:

**Legal custody.** At intake, 5% of Shriver clients had sole legal custody of the child and 32% wanted it. At resolution, 10% of clients were awarded sole legal custody. In contrast, at intake, 26% of opposing parties had sole legal custody and 51% wanted it. At resolution, 28% of opposing parties were awarded sole legal custody. The percentage of cases with joint legal custody increased from 37% at intake to 58% at resolution. Many of these changes are due to the 32% of cases without legal custody orders at intake (see Table C12).

**Physical custody.** At intake, 9% of Shriver clients had sole physical custody of the child and 40% wanted it. At resolution, 23% of clients were awarded sole physical custody. In contrast, at intake, 37% of opposing parties had sole physical custody and 58% wanted it. At resolution, 43% of opposing parties were awarded sole physical custody. The percentage of cases with joint physical custody was 24% at intake and 29% at resolution. Many of these changes are due to the 30% of cases without physical custody orders at intake (see Table C12).

<sup>15</sup> The CalFresh Program, federally known as the Supplemental Nutrition Assistance Program (SNAP; formerly "food stamps"), provides qualified, low-income households with monthly electronic benefits that can be used to buy most foods at many markets and food stores.

**Visitation/Parenting time.** Of the cases where one party was awarded sole physical custody, 54% of non-custodial parents received scheduled, unsupervised parenting time with the child(ren) and 12% received reasonable visitation (i.e., no set schedule or the schedule is to be worked out between the parents). For the 27 cases where supervised visitation was ordered for the non-custodial parent, the primary reason was due to concerns for domestic violence (26%), abduction concerns (11%), reintroduction (7%), or multiple reasons (7%).

**Table C12. Child Custody Orders at Intake, Client’s Goals, Opposing Party’s (OP) Goals, and Case Outcomes for Shriver Representation Clients**

Share of Child Custody	Child Custody Orders			
	At Intake N (%)	Client’s Goals N (%)	OP’s Goals N (%)	Outcome N (%)
<b>Legal Custody</b>				
No previous orders	72 (32%)	--	--	--
Client has sole custody	11 (5%)	73 (32%)	1 (0%)	23 (10%)
Share joint custody	84 (37%)	129 (57%)	54 (24%)	132 (58%)
OP has sole custody	60 (26%)	5 (2%)	116 (51%)	63 (28%)
Other	0 (0%)	2 (1%)	2 (1%)	1 (<1%)
Not applicable	--	3 (1%)	2 (1%)	7 (3%)
Missing/unknown	0 (0%)	15 (7%)	52 (23%)	1 (0%)
<b>Physical Custody</b>				
No previous orders	69 (30%)	--	--	--
Live with client all or most of the time	21 (9%)	91 (40%)	5 (2%)	53 (23%)
Share equal time (joint custody)	54 (24%)	89 (39%)	37 (16%)	65 (29%)
Live with OP all or most of the time	83 (37%)	26 (11%)	132 (58%)	97 (43%)
Other	69 (30%)	7 (3%)	2 (1%)	0 (0%)
Not applicable	--	3 (1%)	2 (1%)	0 (0%)
Missing/unknown	0 (0%)	11 (5%)	49 (22%)	12 (5%)
<b>Visitation</b>				
No previous orders	84 (37%)	--	--	--
Reasonable visitation	15 (7%)	34 (15%)	23 (10%)	22 (10%)
Scheduled (unsupervised) visitation	78 (34%)	111 (49%)	72 (32%)	120 (53%)
Supervised visitation for client	25 (11%)	2 (1%)	35 (15%)	24 (11%)
Supervised visitation for OP	5 (2%)	9 (4%)	1 (0%)	5 (2%)
No visitation for client	19 (8%)	2 (1%)	20 (9%)	12 (5%)
No visitation for OP	1 (0%)	8 (4%)	0 (0%)	6 (3%)
Other	0 (0%)	3 (1%)	2 (1%)	9 (4%)
Not applicable	--	49 (22%)	8 (4%)	29 (13%)
Missing/Unknown	0 (0%)	9 (4%)	66 (29%)	0 (0%)
<b>Total</b>	<b>227 (100%)</b>	<b>227 (100%)</b>	<b>227 (100%)</b>	<b>227 (100%)</b>

*Note.* Data obtained from the Shriver project services database (as of 11/12/15).

**Other case outcomes.** A minority of Shriver cases involved additional court orders. Parenting classes were ordered for either the client or opposing party in about 15% of cases. Shriver clients were ordered or agreed to participate in therapy in 16% of cases. Child therapy was



ordered for 18% of cases. Restraining orders were granted for the opposing party in 16% of cases, and criminal protective orders were granted for the opposing party in 3% of cases. Lastly, when asked about the frequency of police involvement in the 3 months prior to Shriver intake and the 3 months prior to case resolution, 7% of clients reported a decrease in the frequency of police involvement and 4% reported an increase.

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## Brief Overview of Cross-Project Implementation

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### Who was served by the three Shriver Pilot Custody Projects?

The legislation sought to create services for low-income individual and families, to reach parents who faced an opposing party with legal representation and who had other potential disadvantages navigating the legal system or other risk factors that could impact their or their child's well-being. Service data indicate that Shriver projects reached this population.

From the start of the Sargent Shriver program in October 2011 through October 2015, across the three custody pilot projects, 1,100 low-income clients received legal assistance with their child custody cases. Just over half of these litigants (54%;  $n=589$ ) were provided representation by an attorney for the custody case, and just under half (46%;  $n=511$ ) were provided unbundled services. The type of unbundled services offered and the proportion of clients who received representation versus unbundled services varied across the pilot projects and was based on their unique program model.

### DEMOGRAPHIC CHARACTERISTIC OF CLIENTS

The majority of Shriver clients were female (73%) and nonwhite (55% Hispanic/Latino, 17% African American, 6% Asian). Over 40% of Shriver clients had a high school diploma or less, nearly one third had limited English proficiency, and one fifth experienced disability. One third of Shriver clients received CalFresh benefits, and their average monthly income was \$1,197 (median = \$1,033), well below the 2014 Federal Poverty Level threshold of \$2,613 for a family of at least two.

### FAMILY AND CONTEXTUAL CHARACTERISTICS

In addition to the demographic risk factors (e.g., low income, limited English proficiency), Shriver clients also tended to report a variety of other risk factors for themselves and their children. More than half of the cases involved allegations of domestic violence within the past 5 years. More than one-third involved allegations of drug and alcohol abuse. Over one quarter involved current or previous involvement with child protective services, and over one third reported police involvement in the three months prior to seeking Shriver services.

### CASE CHARACTERISTICS

Roughly half (54%) of Shriver clients were the moving party (i.e., the person who initiated the pleading), and 39% were responding parties (6% were other, <1% were missing data). Half of clients were seeking to modify an existing custody order, and 43% were seeking to obtain an initial custody order (4% were other issues, <1% were missing data). On average, the custody cases had been open for 2 years before the Shriver attorneys became involved.

Of those litigants who received representation by a Shriver attorney, 89% were facing an opposing party who had representation at the time of Shriver intake (10% had self-represented opposing parties at the time of intake and 1% were missing data). On average, Shriver custody cases involved one or two children. The average age of the children was 6 years and nearly one fifth of them experienced disability.

## How did custody cases with Shriver representation proceed?

Data on case outcomes in the program services database centered largely on the custody and visitation orders. However, it is understood that these data elements, alone, may be insufficient to reflect the complexity of these cases or the impact of Shriver services on case outcomes. Determining successful outcomes in a child custody case is difficult because evaluation of the results can be subjective (one party's opinion may not coincide with another party's opinion, and some circumstances may weigh more heavily than others). Leveling the playing field and ensuring a child-centered result are more important goals than whether the Shriver client obtained custody, as that might not necessarily be the best result for the child. Further, in some instances, the client's goal may not be to obtain sole custody, but instead to prevent the loss of parenting time or prevent the other parent from moving out of state with the child, and legal representation may help avert these negative outcomes for the client. While important, these outcomes are difficult to capture in a standardized manner with quantitative data.

Despite the measurement challenges, across the three pilot projects, the following themes emerged:

**Joint legal custody orders occurred in half or more of cases.** Across the three projects, 59% of cases resulted with parties sharing joint legal custody, 16% of clients were awarded sole legal custody, and 16% of opposing parties were awarded sole legal custody. The rate at which cases were ordered joint legal custody ranged across projects from 49% in Los Angeles, to 58% in San Francisco, to 71% in San Diego.

**Joint physical custody orders occurred in less than one quarter of cases.** Despite California's statutory inclination toward joint physical custody, and the notable frequency of joint legal custody orders, across the three projects, just 22% of cases resulted in joint physical custody orders. This ranged from 16% in Los Angeles, to 18% in San Diego, to 29% in San Francisco.

**Sole physical custody orders varied.** Across the three projects, at intake, 23% of Shriver clients had sole physical custody of the child and 66% wanted it. At resolution, 38% of clients were awarded sole physical custody. In contrast, at intake, 25% of opposing parties had sole physical custody and 54% wanted it. At resolution, 30% of opposing parties were awarded sole physical custody. These proportions varied by project, likely due to the differences in client populations across the sites. Among Los Angeles cases, 55% ended with the Shriver client awarded sole physical custody and 16% with the opposing party obtaining sole custody. Among San Diego cases, 40% ended with the Shriver client awarded sole physical custody and 30% with the opposing party awarded sole. In San Francisco, where there was a smaller proportion of Shriver clients who were seeking to gain sole custody, 23% of cases ended with the Shriver client awarded sole physical custody and 43% with the opposing party awarded sole.

**Scheduled, unsupervised visitation for the non-custodial parent was common.** Of the cases in which one party was awarded sole physical custody, 66% of non-custodial parents were awarded parenting time that was scheduled and unsupervised. Orders for "reasonable visitation" (i.e., parenting time that is unscheduled and determined via negotiation between parents) were rare (1%-10% of cases across sites), underscoring the necessity for the court to provide structure for the custody arrangements and parental interactions.



Among the three projects, 18% of cases involved non-custodial parents (sometimes the Shriver client, sometimes the opposing party) being awarded scheduled and supervised parenting time with the children. Primary reasons for supervision pertained to concerns regarding domestic violence, reintroduction, abduction, or a combination of these concerns.

**Other orders occurred in a minority of cases.** Across the three projects, parenting classes were ordered for either the client or opposing party in 14% of cases. Therapy was ordered for Shriver clients in 12% of cases, for the opposing parties in 7% of cases, and for children in 16% of cases. Restraining orders, criminal protective orders, and batterers' program attendance were ordered rarely, but this is likely because these issues were addressed by a different court.

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## Shriver Custody Pilot Projects

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### Litigant Experiences

***Shriver client “Nancy.”***

*Nancy is 23 years old and has been with her husband, Bob, for about 5 years. She is the primary caretaker of their 15-month old son. Bob had been abusive to Nancy throughout their relationship. At various times, he has dragged Nancy across the floor by her hair, punched and slapped her, and threatened to kill himself if she were ever to leave him. He has also stalked her and repeatedly taken her phone in order to track her communications. In self-defense, Nancy periodically responded to the abuse with violence. After Nancy was arrested based on Bob’s false statements, Bob and Nancy each obtained Domestic Violence protection orders in separate courts, with each order giving sole custody to the petitioner and no visitation to the other parent. Bob had access to money to pay for an attorney and had family members eager to testify against Nancy. Bob’s attorney returned to court and obtained a modification of Nancy’s restraining order giving her no custody or visitation, which was possible because Nancy did not understand the legal process. Bob used his position against Nancy to try to pressure her into giving up custody of the child.*

*Until receiving Shriver counsel, Nancy was easily intimidated because of the violent history with Bob and she was not able to fully participate in the legal process. Shriver counsel was able to negotiate a 50/50 custody arrangement and obtained specific orders regarding exchanges which are designed to minimize conflict. The project also provided separately funded services to help Nancy obtain a child support order that was more than double the amount that Bob offered and helped her file a dissolution action to allow her to leave the abusive relationship.*



## LITIGANT SELF-SUFFICIENCY AT SHRIVER INTAKE

As shown in the previous section, Shriver pilot custody projects served parents with very low income levels. Thus, one could reasonably expect that these individuals may be encountering other hardships that could impact their parenting, such as difficulties with housing or transportation. Gaining a better understanding of the circumstances of these parents when they are seeking legal assistance can support a clearer interpretation of the results.

Child custody cases are often complex due to complicated interpersonal dynamics, aspects of family functioning, and circumstances or attitudes of individual parties. These elements can weigh into a judge's decision about what is in the best interests of the child(ren). Although these characteristics may be well understood by the parties in the case, they are generally not systematically documented in the official court case file or attorney service logs.

To collect more comprehensive information about their clients' lives and these important issues, one Shriver pilot custody project implemented a standardized assessment of self-sufficiency to all of its clients.<sup>16</sup> This section presents the data from these assessments.

### Los Angeles Custody Project Litigant Self-Sufficiency Assessments

From June 2015 to June 2016, the Los Angeles pilot custody project administered the Arizona Self-Sufficiency Matrix (ASSM)<sup>17</sup> to its Shriver clients. The assessment measures an individual's functioning across 18 life domains, including: housing, income, employment, education, food security, healthcare coverage, health/disabilities, safety, mental health, substance use, child care, transportation, criminal legal issues, family/social relations, community involvement, child education, life skills, and parenting skills. The assessment was administered by Shriver project advocate, who interviewed each client and assigned scores for each life domain on the following Likert scale:

1	2	3	4	5
"in crisis"	"at risk"	"building capacity"	"stable"	"thriving"

Scores of 3 or lower indicated a need in that area and resulted in a follow-up conversation with the advocate to look for possible social service referrals or other assistance.

Clients were assessed at their initial meeting with their attorney.<sup>18</sup> As of June 2016, when the data were obtained by the evaluation team, 109 clients had received a baseline assessment

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<sup>16</sup> The self-sufficiency assessment was identified and implemented by the project as part of their local protocol. It was not an activity prompted by the cross-site evaluation team. The LA project staff shared their data with the evaluation team for inclusion in this report.

<sup>17</sup> *Self Sufficiency Matrix*. Retrieved from <http://www.performwell.org/index.php/find-surveyassessments/outcomes/employment-a-housing/housing-and-shelter/self-sufficiency-matrix-an-assessment-and-measurement-tool-created-through-a-collaborative-partnership-of-the-human-services-community-in-snohomish-county> See Appendix CA8 for scoring criteria for the Arizona version.

<sup>18</sup> The project team re-assessed their limited scope representation clients every 3 months until their case closed. Due to issues with sample size and alignment of follow-up assessments, the follow-up data are not presented here. This report presents data, for all clients regardless of service level, at the initial assessment.

score. This section summarizes the data from these 109 initial assessments to provide a snapshot of clients' lives at the time they sought assistance from the Shriver pilot project.

## Findings

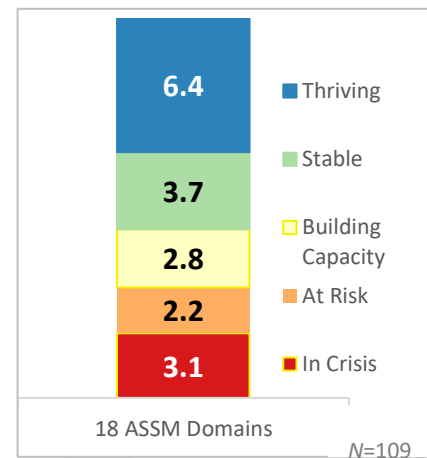
The ASSM data, collected at Shriver services intake, were analyzed and findings are presented in three sections: (1) the five domains in which Shriver clients exhibited the lowest self-sufficiency and greatest need, (2) the eight intermediate domains in which Shriver clients exhibited adequate self-sufficiency, and (3) the five domains in which Shriver clients exhibited the highest self-sufficiency and were most likely to be thriving.

### OVERALL ASSESSMENT

At the time of Shriver intake, clients were considered *stable* or *thriving* (scores of 4 or 5), on average, in ten domains. Clients were considered *unstable* (a score of 3 or lower), on average, in eight domains.

Of the eight domains in which Shriver clients were most often scored as unstable, clients were, on average, scored as *in crisis* in three domains and *at risk* in two domains. Figure C1 (right) shows the average number of domains falling into each rating category for atypical Shriver client.

**Figure C1. Average Number of Domains in Each Rating Category**



### TOP 5 NEEDS AT INITIAL MEETING

Of the 18 domains assessed, there were five domains in which more than 50% of Shriver clients were assessed as unstable (i.e., a score of 3 or lower), including: **employment, food access, income, education, and family/social relations**. These domains are interdependent, with the first four strongly tied to income and employment, and struggle in these areas might be expected based on the low-income eligibility requirements for Shriver services.

The percentage of Shriver clients with assessment scores in each of the categories is shown in Figure C2, followed by a description of each domain. The vertical line in the graph represents the threshold between scores indicating stability and those indicating instability. The green (score = 4) and blue (score = 5) bars on the right side of the center line represent the proportion of clients with scores indicating adequate self-sufficiency and stability in that domain. The yellow (score = 3), orange (score = 2), and red (score = 1) bars on the left side of the center line represent the proportion of clients with scores indicating instability or need in that domain. Clients on the left side would have been asked by the social services advocate if they would like assistance seeking support services in that area. For instance, Figure C2 shows that, with respect to employment, 8% of clients were stable or thriving and 92% were unstable or in need.

**Employment.** Clients were asked if they had a full or part-time job or if they were looking for work. More than half (51%) of clients reported being unemployed (as noted in the red bar in Figure C2). Twenty-seven percent reported being employed in part-time or seasonal work (orange bar), and 14% reported full-time work, but with inadequate pay and few or no benefits (yellow bar). Only 6% of clients reported having full-time work with adequate income and

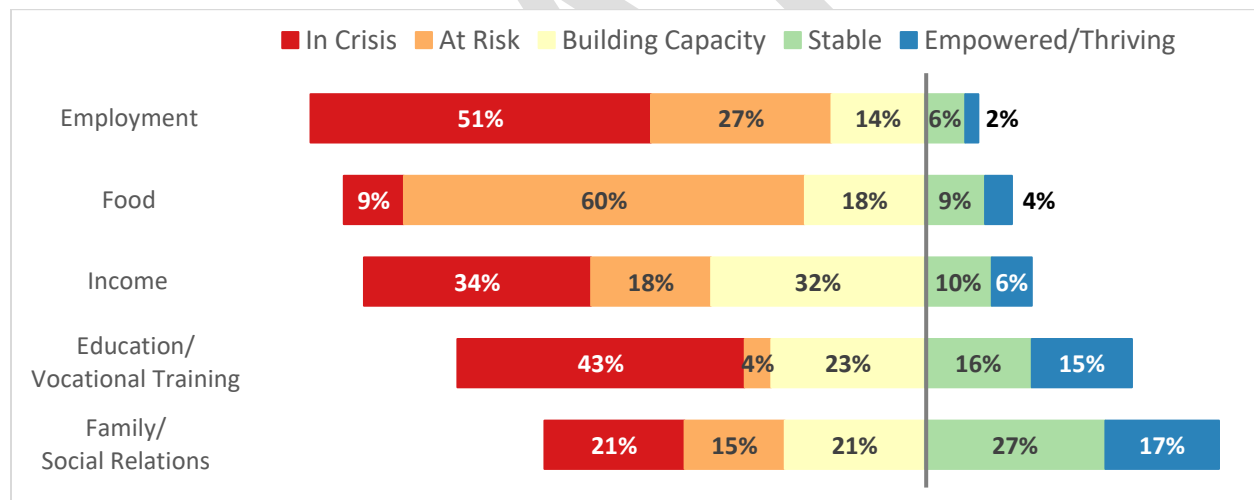


benefits (green bar). None reported being stay-at-home parents, or otherwise out of the workforce due to disability, retirement, or lack of a work permit. Overall, 8% of clients were stable or thriving with regard to employment, and 92% were either under- or unemployed.

**Food.** This domain inquired about access to food, including any assistance the client may receive, such as CalFresh. If clients are reliant on subsidies and services to secure food for their families, then they are considered unstable in this domain. The majority of clients (60%; orange bar) indicated that they receive regular financial assistance to meet household food needs and an additional 18% (yellow bar) reported needing occasional assistance. Nine percent of clients reported no or limited access to food (red bar), and relied significantly on free or low-cost food. Thirteen percent of clients were stable in this domain, and 87% were not.

**Income.** Questions about household income were framed in terms of whether clients were able to meet basic human needs, their level of debt management, and the presence of discretionary funds. To qualify for Shriver services, litigants' income could not exceed 200% of the Federal Poverty Level, thus it is not surprising that 84% of assessed clients needed some sort of financial assistance. One-third (34%; red bar) of clients indicated that they had no income, thus scored as *in crisis* in this area. The other 50% (orange and yellow bars combined) had inadequate income or needed subsidies to meet basic needs. Sixteen percent reported being able to meet basic needs without assistance.

**Figure C2. Domains in which More than 50% of Clients Demonstrated Low Self-Sufficiency**



Note. Percentages may not total 100% due to missing data or rounding.

**Education/Vocational Training.** Clients were asked about their level of education, their literacy skills and issues they may have obtaining work because of their education level. Education was rated in terms of its capacity to prepare clients for a career. Forty-three percent of clients (red bar) had barriers to attaining a job, including literacy issues and no high school diploma or GED. Four percent (orange bar) were currently enrolled in a literacy or GED program and 23% (yellow bar) had a high school diploma or GED. Of the 31% rated as stable, half (16% of the total; green bar) needed additional education to improve their current employment situation and half (15% of total; blue bar) had complete education/training to be fully employed.

Family/Social Relations. This domain focused on financial and emotional support, resources available in the client’s social network, and the presence of abuse. Twenty-one percent of Shriver clients were in a crisis state (red bar), indicating the absence of necessary supports and/or the presence of abuse or child neglect. Fifteen percent of clients reported having family, but their family did not have the resources to provide necessary supports (orange bar). Twenty-one percent reported some family support, with acknowledgement and willingness to change existing negative behaviors (yellow bar). The remaining 44% of clients reported strong support from family and friends (green and blue bars).

## DOMAINS OF INTERMEDIATE NEED

At intake, there were eight domains in which approximately 50% to 75% of Shriver clients were assessed as *stable* or *thriving* (scores of 4 or 5). These included **housing, child care, life skills, community involvement, health care coverage, transportation, mental health, and safety**. Despite the economic hardships faced by many Shriver clients, most clients were able to care adequately for themselves and their families or were building capacity in these areas. Fewer than 30% of clients were *in crisis* or *at risk* in these domains. Figure C3 shows the proportion of clients scaring into each category, followed by a brief narrative of each domain.

Housing. This domain concerns the client’s current living situation, including housing stability and affordability. More than half (54%; green and blue bars combined) of assessed clients were living in safe, adequate housing, either subsidized or unsubsidized. Eighteen percent (yellow bar) were living in stable housing, but it was considered marginally adequate for the client’s needs. The remainder of clients were either living in temporary housing (20%; orange bar) or reported being homeless or threatened with eviction (9%; red bar).

Community Involvement. This domain measures a person’s connectedness with formal and informal group associations outside of the family—for example, participation in church or religious groups, advisory groups, or support groups. To be *thriving* (score of 5), a client must have the ability to connect to, not just be involved with, various community groups—that is, someone assessed as *stable* might be involved in some community groups, but exhibit barriers to fully connecting, such as challenges with transportation or child care. More than half (53%; green and blue bars) of clients had some community involvement, but many of these individuals (43%; green bar) had some barriers to participation. One-fourth (26%; yellow and orange bars) were either somewhat isolated or had no desire to participate, and 20% were in some sort of crisis (“survival mode;” red bar), where community involvement was not feasible.

Child Care. Clients with younger children ( $n=98$ ) were asked whether they needed support with childcare and if their current childcare was affordable and reliable. More than half (54%; green and blue bars) of clients could afford reliable childcare without the need for subsidies, and another 20% (yellow bar) had access to subsidy-supported childcare, although they reported the options were often limited. About one quarter of clients reported either having no access to childcare (10%; red bar) or that the childcare they could access was unreliable, unaffordable, or had inadequate supervision (13%; orange bar).

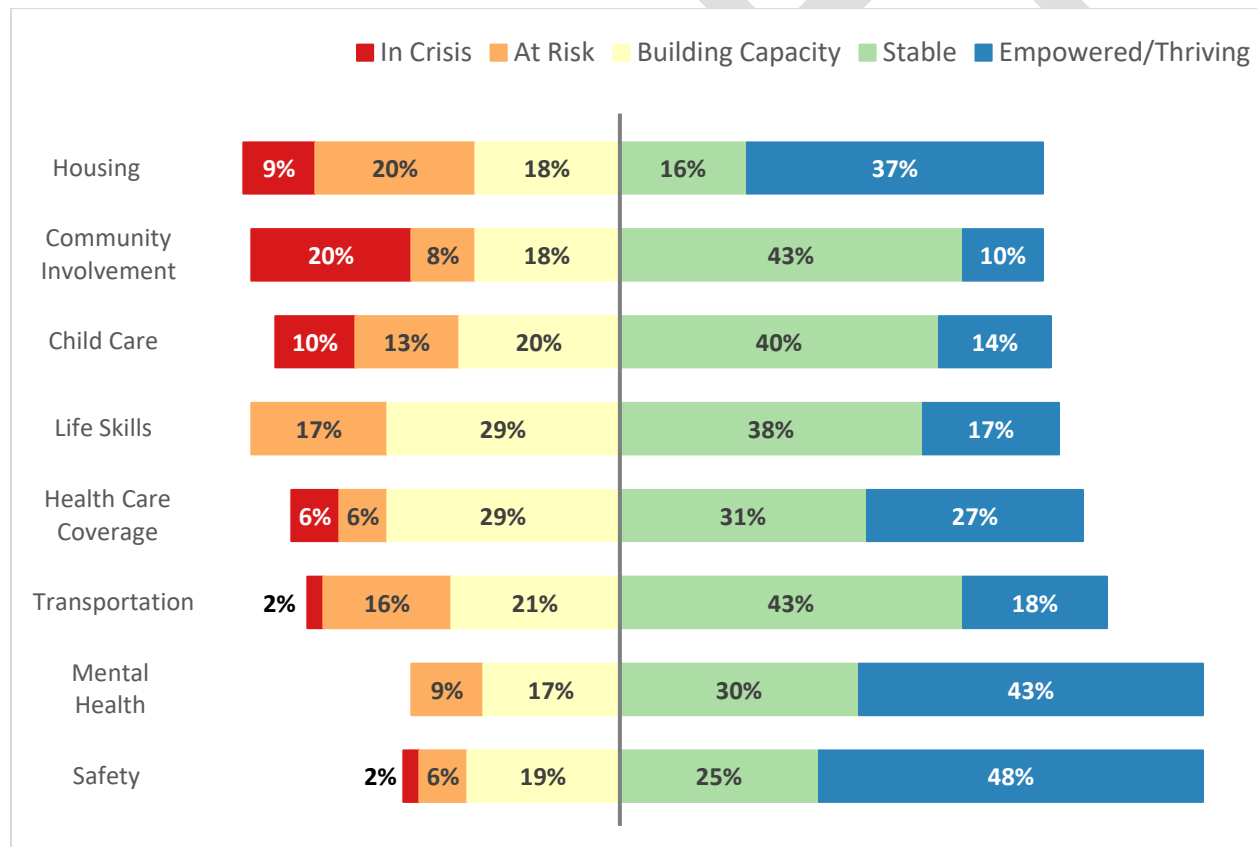
Life Skills. Life skills are a measure of daily functioning, including basic needs like hygiene and food availability, as well as daily living needs, which include behaviors beyond basic needs such as addressing family needs (e.g., household and money management), organizing activities, and

planning for the future. More than half (55%; green and blue bars) of clients reported they were able to meet all basic needs of daily living without assistance. Twenty-nine percent (yellow bar) said they could meet most, but not all, daily living needs; and 17% (orange bar) could meet only the most basic needs without help. No clients were assessed to be *in crisis*.

Health Care Coverage. Clients were asked if they had medical coverage, access to adequate healthcare, and the ability to afford healthcare. Fifty-eight percent of clients (green and blue bars) reported that all of their household members had medical coverage, with another 29% (yellow bar) indicating that some members (e.g., children) of their household had medical coverage (including Medi-Cal). Twelve percent (orange bar) of clients reported having no medical coverage, and about half of them (6%; red bar) were in immediate need.

Transportation. Clients were asked about their access to transportation and whether they felt it was affordable and reliable. Sixty-one percent of clients reported having reliable access to transportation to meet at least their basic travel needs (green and blue bars). Another 21% (yellow bar) had access to transportation, but it was limited and/or inconvenient. Eighteen percent either did not have access to transportation, including public transportation (2%; red bar), or their access was unreliable and/or unpredictable (16%; orange bar).

**Figure C3. Domains in which 50%-75% of Clients Demonstrated Adequate Self-Sufficiency**



*Note.* Percentages may not total 100% due to missing data or rounding.

Mental Health. This domain describes daily functioning, suicidal ideation, and receipt of mental health services. None of the clients were assessed as being a danger to themselves or others, or exhibited signs of extreme psychological distress. The majority of clients (73%; green and blue

bars) were assessed as highly functioning, with only minimal symptoms that are expectable responses to life stressors. About one quarter (26%) of clients had mild or recurrent symptoms, that occasionally (17%; yellow bar) or persistently (9%; orange bar) impacted their daily functioning, but did not endanger health and welfare of themselves or others.

Safety. Clients were asked about issues of safety, including their neighborhood climate and the occurrence of domestic violence. Almost half (48%; blue bar) of clients reported that their home environment was safe and stable. Another 30% (green bar) reported they currently lived in a safe environment, but the future was uncertain. For 19% of clients (yellow bar), the level of safety was minimally adequate, and 8% reported living in unsafe conditions, where the threat of loss of life was high (6%; orange bar) or extremely high (2%; red bar).

## TOP 5 THRIVING DOMAINS

These five domains are those in which Shriver clients, at intake, were primarily thriving—that is, more than 75% of clients were assessed as *stable* or *thriving*. These areas included health and disabilities, child education, criminal legal issues, parenting skills, and substance use. Few clients were impacted by disabilities, substance use, or criminal legal issues. Most children had regular attendance at school, and clients generally exhibited good parenting skills (Figure C4).

Health/Disabilities. The health and disabilities domain targeted temporary or permanent health conditions that would impact the client’s family for several months. (This does not include ordinary illnesses such as a cold or flu, or disabilities that do not impact housing, employment, or social interactions). Further, if the disabled person is *thriving*, then no disability is indicated for assessment. Ninety-one percent of clients were assessed as either having no health issues (85%; blue bar) or regularly controlled health issues (6%; green bar). Only 3% (yellow bar) of clients were assessed as experiencing chronic symptoms that affected housing or employment, and the remaining 6% of clients either sometimes (3%; red bar) or rarely (3%; orange) experienced symptoms that negatively impacted aspects of their lives.

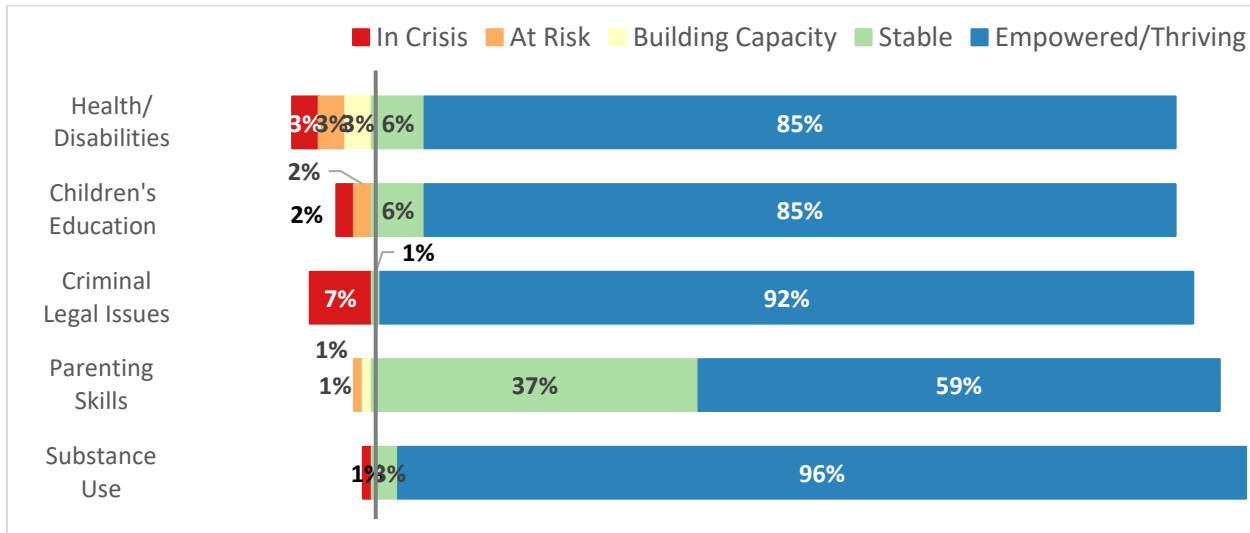
Children’s Education. Clients with school-aged children ( $n=85$ ), were asked about their children’s school attendance and academic performance. Ninety-one percent (green and blue bars) of parents reported that their children were enrolled in school and attending class most of the time. Four percent reported that at least one school-aged child had not been enrolled in school (2%; red bar) or was enrolled but not attending classes (2%; orange bar).

Criminal Legal Issues. Clients were asked about the extent to which they had criminal legal problems, from tickets and warrants to probation and pending trials. Almost all (92%; blue bar) of clients reported having no active criminal justice involvement or felony history in the last 12 months. Another 1% (yellow bar) reported successful completion of mandated supervision in the same time period. Seven percent (red bar) reported outstanding tickets or warrants.

Parenting Skills. Clients with minor children ( $n=98$ ) were also asked how they felt about their parenting skills. No clients self-identified concerns regarding safety for their children, and very few (2%) self-reported their parenting skills as inadequate. Thirty-seven percent of parents described their parenting skills as adequate (green bar), and 59% described their parenting skills as well-developed (i.e., no areas in which they would like more support; blue bar).

**Substance Use.** Clients were asked about their use of substances and whether their use was compulsive and repetitive enough to impact their household. Almost all (96%; blue bar) clients reported no drug or alcohol use in the last 6 months, and 3% (green bar) reported some use, but with no negative consequences. One percent of clients reported symptoms that may have met the criteria for severe substance use disorder, one that might require inpatient treatment.

**Figure C4. Domains in which 75% or More of Clients Demonstrated High Self-Sufficiency**



Note. Percentages may not total 100% due to missing data or rounding.

## Summary

Overall, at the time of Shriver intake and assessment, many clients were dealing with economic hardships, yet were still successfully meeting the demands in most other aspects of their lives. The typical Shriver client was unemployed and without adequate income, which may have been due to a low level of education and/or literacy posing a barrier to obtaining employment.

While some Shriver clients reported a strong social network, and most were involved in community groups, more than half did not have family or friends to whom they could turn for financial or emotional support. The typical Shriver client relied on food subsidies, such as CalFresh, but was not living in subsidized housing and, in fact, generally reported that her housing was safe and adequate. Moreover, the client's environment was generally safe, free from domestic violence, substance use, and criminal justice involvement.

Almost all household members had access to adequate healthcare. However, any related costs would have put a strain on a very limited budget. Day-to-day functioning, including transportation, was not reported to be a significant problem for the typical Shriver client. Most clients reported no disability or chronic health conditions and were doing well in the area of mental health.

For those Shriver clients who had young children, they felt positively about their parenting skills and were generally able to obtain suitable childcare. The typical client had children who were enrolled in school and attending classes regularly.



Most Shriver clients exhibited adequate self-sufficiency in a preponderance of life domains. However, more than 80% of Shriver clients demonstrated limited self-sufficiency (in some cases, dire need) in a few critical areas—namely, employment, income, and food. Given the impact of these areas on family livelihood and child well-being, these significant needs should not be ignored. The extent to which legal aid services agencies are the most appropriate or effective conduit for this type of assistance and referral remains to be seen.

DRAFT

## LITIGANT PERCEPTIONS AT SHRIVER EXIT

To better understand litigants' experience of their custody case and their perceptions of Shriver services, phone interviews were conducted with litigants who were selected to be part of the comparison study at the San Francisco Shriver pilot project. This section presents data from these interviews; the next section presents findings from the court files for these cases.

### Methodology

#### SAMPLE

The study sample drawn at the San Francisco pilot custody project consisted of 25 litigants who received Shriver representation and 25 comparison litigants who met Shriver eligibility criteria but did not receive project services. After the resolution of their custody pleading, these 50 litigants were invited to participate in a telephone interview to discuss their perceptions of their case, the legal process, and (for the Shriver group) the services they received. In total, 21 litigants receiving Shriver representation and 4 litigants in the comparison group completed an exit interview (see Table C13).<sup>19</sup>

**Table C13. Proportion of Litigants Interviewed at Case Closure**

San Francisco Project	Total Sample <i>N</i>	Total with Exit Interview <i>N</i> (% of total)	Included in Analysis?
Representation Clients	25	21 (84%)	Yes
Comparison Litigants	25	4 (16%)	No

#### ANALYTIC APPROACH

The very small number of comparison group respondents ( $n=4$ ) precluded comparative analyses between the study groups. Interview data for this group were consequently omitted from this report. The remainder of this section summarizes the interview responses for the 21 litigants who received Shriver representation.

### Findings

#### CASE CHARACTERISTICS

##### *Interparental Cooperation and Conflict*

Litigants were asked six questions about their relationship with the other parent. Items included aspects of co-parenting, such as “*We basically agree about our child’s needs*” and “*We usually manage to work together as parents.*” For each item, clients rated their agreement on a four-point scale, with higher scores indicating greater cooperation between the parties.

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<sup>19</sup> The small number of comparison litigants interviewed was primarily due to an inability to contact these individuals. These litigants were identified by the local Shriver project staff prior to the evaluation, but because they were not provided Shriver services, the staff did not have consistent contact with them over time. Thus, at the time their pleading was resolved, they were difficult to locate for an interview. However, court case file data was pulled for all Shriver and comparison cases, and these analyses are presented in the next section.

Across these six items, for the 20 clients with complete data, the average score was 2.4—the mid-point on the scale. While the average seems to suggest modest cooperation across the sample, individual scores ranged from 1 (highly contentious) to 4 (highly cooperative), indicating notable variability across cases. In particular, half of the clients ( $n=10$ ) had a scale score of 1 or 2, indicating a contentious relationship with the opposing party, and half ( $n=10$ ) had a scale score of 3 or 4, indicating a cooperative relationship.

### ***Children Involved***

Half of these cases ( $n=11$ ) involved the custody of one child. Another eight cases involved two children; one case involved three children; and one case involved six children. The average age of the children in these cases was just under 9 years, ranging from 1 to 16 years.

### ***Purpose of Pleading***

Of the 21 Shriver clients interviewed, almost half (48%;  $n=10$ ) were seeking an initial order for custody. The remaining cases were seeking either to modify an existing custody or visitation order (38%;  $n=8$ ) or enforce an existing custody or visitation order (14%;  $n=3$ ).

## **CLIENTS' GOALS FOR THEIR CASE**

### ***Legal and Physical Custody Goals***

The majority of interviewees reported seeking joint legal (71%;  $n=15$ ) or joint physical (67%;  $n=14$ ) custody. Approximately one quarter (24%) were seeking sole legal and physical custody for themselves. This did not vary by whether the pleading was for an initial custody order or to modify an existing order. Table C14 displays the legal and physical custody goals of the interviewed Shriver clients by the objective of the pleading.

**Table C14. Shriver Client Goals for Case**

Client's Goals	Objective of Custody Pleading			
	Obtain Initial Order	Modify Existing Order	Enforce Existing Order	Total
<b>Legal Custody</b>				
Sole legal custody to me	3 (30%)	1 (13%)	1 (33%)	5 (24%)
Sole legal custody to the other parent	0 (0%)	1 (13%)	0 (0%)	1 (5%)
Joint legal custody	7 (70%)	6 (75%)	2 (67%)	15 (71%)
<b>Physical Custody</b>				
Sole physical custody to me	3 (30%)	1 (13%)	1 (33%)	5 (24%)
Sole physical custody to the other parent	0 (0%)	2 (25%)	0 (0%)	2 (10%)
Joint physical custody	7 (70%)	5 (63%)	2 (67%)	14 (67%)

$N=21$ . Obtain initial order  $n=10$ ; Modify existing order  $n=8$ ; Enforce existing order  $n=3$ .

### ***Other Goals***

Shriver clients were asked what, if any, additional goals (beyond custody and visitation arrangements) they held for their custody pleading. Seven clients (33%) hoped that the pleading would go away and be dismissed. Two clients wanted parenting classes for



themselves, two wanted parenting classes for themselves and the other parent, and four wanted parenting classes ordered for the other parent only. Two clients hoped to receive therapy for themselves and four hoped the children to receive therapy. One client sought a restraining order protecting her/him from the other parent. One client wanted to get substance abuse counseling for themselves and for the other parent. Taken together, these responses seem to suggest that parents are seeking social services and that they feel the help of the court is needed to ensure the other parent participates in those services. Goals for the case separated by the objective of the custody pleading are summarized in Table C15.

**Table C15. Other Case Goals of Shriver Clients**

Client's Goal	Objective of Custody Pleading			
	Obtain Initial Order	Modify Existing Order	Enforce Existing Order	Total
The case would go away and be dismissed.	2 (20%)	4 (50%)	1 (33%)	7 (33%)
I would get therapy.	2 (20%)	0 (0%)	0 (0%)	2 (10%)
The children would get therapy.	2 (20%)	2 (25%)	0 (0%)	4 (19%)
I would get a restraining order protecting me from the other parent.	0 (0%)	1 (13%)	0 (0%)	1 (5%)
I would get substance abuse counseling.	1 (10%)	0 (0%)	0 (0%)	1 (5%)
The other parent would get substance abuse counseling.	1 (10%)	0 (0%)	0 (0%)	1 (5%)
I would take a parenting class.	1 (10%)	1 (13%)	0 (0%)	2 (10%)
The other parent would take a parenting class.	4 (40%)	2 (25%)	0 (0%)	6 (29%)

*Note:* Respondents may have more than one goal for the case. Percentages do not add to 100%

*N*=21. Obtain initial order *n*=10; Modify existing order *n*=8; Enforce existing order *n*=3.

## SATISFACTION WITH CASE OUTCOMES AND PERCEIVED FAIRNESS OF THE LEGAL SYSTEM

Litigants were asked about their satisfaction with the outcomes of their custody pleading and their perceptions of fairness and procedural justice with regard to their case.

### *Satisfaction with Case Outcomes*

Interview participants were asked if what was ordered or agreed to in their case was *about what they expected*, *a lot better*, *somewhat better*, *somewhat worse*, or *a lot worse* than they expected. Eight clients (40%) felt that the case outcomes were in line with their expectations. Seven clients (35%) felt that the case outcomes were somewhat worse or a lot worse than their expectations, while five clients (25%) thought that the case outcomes were somewhat better or a lot better than they expected.

**Table C16. Outcomes and Litigant Expectations**

Overall, what was ordered or agreed to was...	N (%)
A lot better	3 (15%)
Somewhat better	2 (10%)
About what I expected	8 (40%)
Somewhat worse	3 (15%)
A lot worse	4 (20%)

*Note:* One respondent did not answer the question.

Clients were also asked to rate their level of satisfaction with their case outcomes of a scale from 1 (*very dissatisfied*) to 5 (*very satisfied*). The average rating was 3.6, indicating that, on average, litigants were somewhat satisfied with the outcome of their case. However, there was notable variation in client satisfaction, as the responses ranged from 1 to 5.

### ***Perceptions of Fairness in the Legal Process***

Fairness was assessed using a 4-item scale adapted from Frazer (2006) that included statements such as, “*My case was handled fairly by the court*” and “*My legal rights were taken into account.*” Interviewees rated how much they agreed with each statement, on a 5-point scale, from 1 (*strongly disagree*) to 3 (*neither agree nor disagree*) to 5 (*strongly agree*). A scale score was calculated as the average across the scale items.<sup>20</sup> Higher scores indicate greater perceived fairness with court proceedings.

There were 19 clients for whom a fairness score could be calculated. These respondents had an average fairness score of 3.2 (range = 1 to 5), indicating that, on average, litigants were unsure whether the court process was fair.

### ***Perceptions of Procedural Justice***

Perceptions of procedural justice were computed using an 8-item scale adapted from the Specific Procedural Justice Scale (Bornstein et al., 2011) and included items such as, *The judge listened to what I had to say* and *I was treated the same as others in the same position*. Interviewees rated their agreement with each statement on the same 5-point scale used for the fairness measure, and a scale score was calculated as a mean across the items.<sup>21</sup> Higher scores indicate greater perceived procedural justice.

There were 17 clients for whom a procedural justice score could be calculated. The average procedural justice score for these respondents was 3.8 (range = 2 to 5), indicating that respondents perceived a modest amount of procedural justice in their proceedings.

### ***Satisfaction with Case Outcomes and Perception of Fairness and Procedural Justice***

Scores on the fairness and procedural justice scales were related to clients’ satisfaction with their case outcomes (see Table C17). Clients were categorized as *dissatisfied* if they reported being *somewhat* or *very dissatisfied* with their case outcomes, and others were categorized as *satisfied* if they reported being *somewhat* or *very satisfied* with their case outcomes. Clients dissatisfied with case outcomes had an average fairness score of 1.8, as compared to an average score of 4.0 among clients satisfied with their case outcomes. This difference was statistically significant.<sup>22</sup> For perceptions of procedural justice, average score was 2.8 among clients dissatisfied with their case outcomes, versus 4.3 among satisfied clients. This difference was also statistically significant.<sup>23</sup>

<sup>20</sup> Mean scores were calculated for litigants who answered at least 75% (3 out of 4) of scale items.

<sup>21</sup> Mean scores were calculated for litigants that answered at least 63% (5 out of 8) of scale items.

<sup>22</sup>  $t(17) = 3.60, p < .01, d = 1.75$

<sup>23</sup>  $t(17) = 3.18, p < .01, d = 1.64$

**Table C17. Mean Fairness and Procedural Justice Scores by Satisfaction with Case Outcomes**

Scale	Dissatisfied with Outcomes <i>Mean (SD)</i>	Satisfied with Outcomes <i>Mean (SD)</i>
Fairness of Legal Process <i>[sig.]</i>	<b>1.8</b> (1.1)	<b>4.0</b> (1.4)
Procedural Justice <i>[sig.]</i>	<b>2.8</b> (0.5)	<b>4.3</b> (1.0)

*N*=19. Dissatisfied clients *n*=7; Satisfied clients *n*=12.

*Note.* *ns* = not significantly different across groups; *sig.* = significant difference between groups; noted in bold.

### ***Perceptions of Shriver Representation, Fairness, and Procedural Justice***

Notably, clients who scored low on the fairness and procedural justice scales still reported being satisfied with the services they received from the Shriver pilot project. Of the 11 clients who scored below the mid-point of either the fairness or procedural justice scales, nine clients (82%) indicated satisfaction with the legal services and/or Shriver representation. Clients described that Shriver counsel was knowledgeable and professional and that the attorney effectively helped them through the proceedings. Overall perceptions of Shriver services are described in more detail at the end of this section.

### **OTHER SERVICES RECEIVED BY CLIENTS**

Clients were asked if they sought any government or community services or resources to help them with their situation while their case was active, followed by a question about their success in obtaining the resources or services they sought. As shown in Table C18, 33% clients (*n*=7) sought other government or community services, and most (62%) did not. Of the seven clients who sought services, three sought intervention from police, two sought help from child protective services, one sought help from a domestic violence shelter, one sought financial assistance, and one went to the bar association for legal help.<sup>24</sup> Of the seven clients who sought services, three (43%) were successful accessing them and four were unsuccessful. The three who were successful received services from the police and from a domestic violence emergency shelter. (Note: This respondent added that she could access emergency shelter, but was struggling to obtain other supportive services.)

**Table C18. Services Requested and Received by Litigants**

	<b>N (%)</b>
<b>Did you seek services?</b>	
Yes	7 (33%)
No	13 (62%)
Declined to answer	1 (5%)
<b>Did you receive those services?</b>	
Yes	3 (43%)
No	3 (43%)
Unsure	1 (5%)

<sup>24</sup> Respondents could indicate seeking more than one type of service, so the numbers may not sum to seven.

In April 2015, the San Francisco pilot custody project added a social services coordinator to their project who helped identify needs and resources and provided service referrals. This staffing addition came after the client interviews were complete. Thus, it is possible that clients who received Shriver services later in the project implementation had more success obtaining needed resources due to this additional assistance.

## **PERCEPTIONS OF THE IMPACT OF THE CUSTODY CASE AND OF SHRIVER SERVICES**

### ***Impact of the Custody Case***

Clients discussed their perceptions of impact of their custody case on their lives. In particular, they were asked, *Do you think the results of your custody case will make a difference in your life or your family's life in any way?* Of the 21 clients interviewed, eleven (52%) described something positive, eight (38%) described something negative, and two (10%) were neutral.

#### Positive Perception:

- Two clients gave generally positive comments, such as *"It's just in the better interests of my children...their having both parents involved in their lives."*
- Nine clients expressed positive sentiments about their case outcome. For example, *"Absolutely, because they finally established an order that both parents can live with in taking care of the child"* and *"I wouldn't have been able to see my kids or speak to them on the phone for four years without the legal help"* and *"I feel that my son has a better structure and it's more consistent. It's best for him and me."*

#### Negative Perception:

- Five clients reported something negative about their case in general, such as *"It's negatively affecting my son, so it's negatively affecting me."*
- Three clients expressed negativity about their case outcome. For example, *"My intention was to move out of state and I was not able to do that because of the court order. My life has been stagnant. I feel like I'm kind of stuck. I have the same child care issues I had before."*

#### Neutral Perception:

- Two clients gave neutral responses, such as *"Everything is fine."*

### ***Impact of Shriver Representation***

Lastly, clients were asked to describe the impact of the services they received through the San Francisco custody pilot project. Specifically, they were asked, *Do you think having received legal services at Justice and Diversity Center for your custody case will make a difference in your life or your family's life in any way?* Twenty clients answered this question, and all of them were very positive about and grateful for Shriver services, despite any negative impact their case may have had for them. Most often, clients expressed appreciation for the Shriver attorney's knowledge and gratitude for the support he provided to them. They felt that they were better equipped for the legal process and better able to have their voice heard in court. A few clients even expressed regret that the Shriver project could not continue to help them with the rest of their custody case. Some examples of responses follow:

*“Having somebody in the court is very important. [The Shriver attorney] helped me. He is knowledgeable and fair. He knows the law and could tell me what was possible.”*

*“The legal services actually made my life a lot better and easier. They helped me through a system that most people without legal knowledge cannot navigate.”*

*“I was just very grateful for the support. I found out the other side was represented two days before the court date. I received documents in the mail from his attorney. [The Shriver attorney] was able to help me immediately.”*

*“Receiving legal services has already made a difference. I've been seeing my daughter regularly. The services were great. [The Shriver attorney] and [Project Coordinator] were very passionate about helping me out. He has a heavy caseload and I appreciate his effort.”*

*“I never realized I'd be receiving these services, and the professionalism and fairness put me at ease.”*

*“If I represented myself, I wouldn't know all the laws. Since I had the free attorney, he helped out a lot. They would have made me out to be the bad guy. They made accusations. My attorney said, ‘In that case we want to do the TR-2 investigation,’ and the other party backed down and said that wouldn't be necessary.”*

*“He helped me push a decision in the court hearing because he had a lot more legal knowledge. He guided me through the process and made me feel comfortable with my case.”*

*“The other lawyer might have pushed me around or confused me with legal jargon. [Shriver attorney] was able to make sure my voice was heard. It leveled the playing field. When it came from [the Shriver attorney], it weighed more. I felt that [the Shriver attorney] was more competent and better educated than my ex-husband's lawyer, who he was paying for. [The Shriver attorney] was ten times better. Having [the Shriver attorney] there for me, it was priceless. He was phenomenal.”*

*“Yes, through [the Shriver attorney's] support I got my children. He made me believe in the court system.”*

## Summary

Twenty-one Shriver clients from the San Francisco pilot custody project were interviewed after the resolution of their custody pleading to understand their perceptions of the legal process and of the Shriver services. With the custody pleading, most of the interviewed clients were seeking joint legal custody and/or joint physical custody of their children, and many were asking the court to make orders regarding therapy or other services.

There was variation in clients' satisfaction with the outcome of the case. Forty percent of clients felt that their case outcome was in line with their expectations, while 35% thought the outcome was worse than expected and 25% thought it was better than expected. On average, Shriver clients perceived a modest amount of fairness of the legal system and only slightly more procedural justice. However, these perceptions were closely related to their satisfaction with their case outcomes. Clients who were satisfied with the outcome of the case perceived higher levels of fairness and procedural justice than did clients who were dissatisfied with their case outcomes, who perceived lower levels of both.



Importantly, even when clients were dissatisfied with their case outcomes, or when they perceived low levels of fairness or procedural justice, they reported high levels of satisfaction with Shriver services. Nearly all clients reported appreciation for the knowledge and support of the Shriver attorney.

These interview data reflect a small subsample ( $n=21$ ) of the litigants assisted by the San Francisco pilot custody project. Comparison (non-Shriver) litigants were not able to be reached for an interview. Due to the small sample size, and lack of comparison, findings should be considered exploratory.

DRAFT

## Shriver Custody Pilot Projects

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### Case Outcomes Study

***Shriver client “William.”***

*William is a 40-year-old Afghani man with three young children. He has a degenerative brain disease and does not speak much English. He and his parents, who act as his translators and caretakers, were referred to the Shriver Project by the Court’s family law self-help center. With the Shriver Project’s help, he and the children’s mother were able to reach a custody stipulation that granted William alternate weekend visitation with his children. William and his family had been overwhelmed and confused by the legal paperwork needed to establish a custody order to ensure his visits with his children following the parents’ separation, and the Shriver Project attorneys spent considerable time explaining all issues and discussing rights and obligations to him in terms simple enough that he could understand. Travel back and forth to the Courthouse was also physically and financially burdensome for the family, so the Stipulation also eliminated the need for the parties to return to Court (the attorneys also consulted with William and his family remotely). Both William and the mother have extremely low incomes – William lives with his parents and is on SSI, and the mother was living in a homeless shelter and subsisting on food stamps. Additionally, the parties live an hour apart by public transit, and neither parent is able to afford the full cost of public transit tickets for themselves and three children. The Shriver social services advocate helped the family to obtain a reduced public transit fare for low-income families to ensure that the visits could happen. William and his family were very grateful for the Shriver Project’s assistance in navigating them through this difficult process and especially for helping to re-connect the children with their father.*





## CASE OUTCOMES STUDY

### Methodology and Analytic Approach

A custody matter in family court can be addressed and motions filed until the child reaches the age of majority (18 years), and cases often involve multiple pleadings over the course of time. The Shriver pilot project addressed a single pleading—one request for orders (RFO)—at any time during the life of the case. A single RFO can involve several court events (hearings, etc.) and can last for several weeks or months. For the purposes of this study, this RFO is considered the “**study relevant pleading**” (SRP). For the comparison group, one pleading during the same timeframe that involved a sole custody request was selected to be the SRP. Analyses examined outcomes related to the SRP for both groups (not outcomes for other pleadings in the case).

Case outcomes were investigated using data gleaned from court case files reviewed at two custody projects: the San Diego pilot project and San Francisco pilot project. Random assignment was not conducted in any of the custody projects, due primarily to the relatively small number of eligible cases. Alternative sample selection procedures were used (explained below). Due to the differences in sample selection procedures and Shriver service models, data for the two custody projects were analyzed separately.

Determining a “successful” outcome in a custody case is very complex, because there are innumerable variables and complicated personal and family dynamics that can influence court orders. Moreover, custody decisions are driven by what is in the best interests of the child, which is often not easily quantifiable or reliably substantiated in the case file. Given the nature and complexity of custody cases, and the limitations of data available in the case file, the analyses are largely exploratory. Outcome analyses for custody cases focused on the litigants’ requests, the case events, and orders for the study relevant pleading. Cases that received Shriver representation were compared with cases that did not receive Shriver services. Data were examined for two primary areas: (1) court efficiency and (2) case events and outcomes.

#### ***Outcome Area #1: Court Efficiency***

Analyses examined case elements that are potentially indicative of court efficiency, including the rate at which cases were resolved by settlement versus hearing/trial, number of hearings, and length of time to resolve a pleading. In San Diego, the impact of mandatory Shriver settlement conferences, a court innovation unique to that project, was explored.

#### ***Outcome Area #2: Case Events and Outcomes***

Analyses investigated the outcomes related to legal and physical custody and visitation for the study relevant pleading among Shriver cases and comparison cases. This included requests by the moving party, requests by the responding party, and resulting court orders. Potentially mitigating factors that can affect custody—such as domestic violence, child abuse, mental health, or substance use—were also assessed. Analyses examined the durability of the custody orders to assess whether Shriver services resulted in orders that were maintained over time. This was analyzed by examining whether parties submitted a request to modify existing custody orders (i.e., those reached at the end of the SRP) within the two years following the resolution of the SRP.

## ANALYTIC APPROACH

Throughout this section, descriptive information is presented about case characteristics and outcomes of interest across the two study groups (Shriver cases and comparison cases). In addition, where possible, differences between the study groups were tested for statistical significance.<sup>25</sup> A statistically significant difference represents a real difference between groups, one that is not likely due to chance. For custody cases, differences between the two study groups were analyzed using *t*-tests and chi squared analyses. A *t*-test is appropriate for studying differences between groups on continuous or numerically scaled variables (e.g., number of hearings) and a chi squared test is appropriate for testing for difference on categorical variables (e.g., whether a pleading was resolved via settlement). For some continuous variables that were not normally distributed, such as pleading length, nonparametric tests were used to test for differences between groups.

Understanding custody outcomes is intricate and requires a broader perspective of the case. That is, knowing that a parent was not granted sole custody makes clearer sense in light of knowing what that parent had requested (i.e., was the parent seeking sole custody or seeking to maintain their current amount of parenting time). In the current relatively small samples, the combinations of these relevant variables yielded very small cell sizes. Thus, in these instances, only descriptive analyses were performed (i.e., counts and percentages are presented) and data were not analyzed for statistical significance.

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<sup>25</sup> When a result has less than a 5% probability of occurring by chance (i.e.,  $p < .05$ ), the result is said to be statistically significant.

## **San Diego Custody Pilot Project Case Outcomes Study**

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### **Methodology**

As part of the San Diego pilot project, in addition to representation by San Diego Volunteer Lawyer Program (SDVLP) attorneys, the San Diego Superior Court implemented mandatory settlement conferences conducted by a judge.<sup>26</sup> SDVLP sought to have all Shriver cases participate in a Shriver settlement conference. Therefore, the evaluation sought to study the impact of these joint services. Because random assignment was not possible at this site, an alternative case selection method was employed.

To select cases for the Shriver representation group, the program services database was used to identify cases that received both Shriver representation and participated in a Shriver settlement conference. Because the durability of orders was a key research question, cases were removed from the sample if they had less than 2 years since completion of Shriver service or an older adolescent child at the time of Shriver service (for whom custody arrangement may time out within 2 years). After these adjustments, 55 Shriver cases remained in the sample.

Technology staff at the San Diego Superior Court then identified a sample of 60 comparison cases from the court case management system with pleadings during the same timeframe but that did not receive any Shriver services. To approximate the Shriver sample, comparison cases had to have a pleading regarding sole custody, a fee waiver<sup>27</sup> granted to at least one party, at least 2 years since resolution, no older adolescent children, and to have been seen by one of the two judges who handled Shriver cases. Comparison cases were also selected to maintain a proportion of initial pleadings to requests for modification that corresponded with the proportion among the Shriver cases. This selection criterion was based on previous evidence suggesting that mediation is more effective with parties at the initial pleading than with parties who have engaged in multiple modifications (AOC, 2012).

Attempts were made to review the individual court case files for all selected cases, but a few files were unavailable. The final analytic sample included a total of 109 cases: 53 cases with a Shriver-represented party and 56 cases from the comparison group.

### **Description of Sampled Custody Cases**

#### ***Type of Petition***

Custody arrangements are requested via several different types of petitions. While parties can petition the court for custody, it is more common for them to petition for the court for another related family law matter—most often, dissolution of marriage—and then make requests for custody orders pursuant to the initial petition. In the current sample, nearly all (98%) of the comparison cases were initiated with a petition for dissolution of marriage. By contrast, cases that received Shriver representation showed more variability in the initial circumstances that led them to petition the court. Among Shriver cases, 42% ( $n=22$ ) were initiated by a petition for

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<sup>26</sup> Prior to the Shriver project, the San Diego Superior Court required settlement conferences only for cases set for trial. These conferences were facilitated by an attorney and the parties did not have counsel present.

<sup>27</sup> Low income litigants can request a court fee waiver, and the court can approve or deny this request. To qualify for a fee waiver, a litigant's income cannot exceed 150% of the federal poverty level.

dissolution of marriage, 28% ( $n=15$ ) by a uniform parentage petition, 23% ( $n=12$ ) by a governmental child support petition<sup>28</sup>, 8% ( $n=4$ ) by a petition for custody/visitation, 4% ( $n=2$ ) by a domestic violence petition, and 4% ( $n=2$ ) by a juvenile exit order.<sup>29</sup> The homogeneity of the comparison group is likely due to the case selection methods used by the court IT staff and what was possible with the court case management system. This difference in the study groups may indicate a lower rate of marriage among Shriver cases, which may be relevant for case outcomes, given the additional challenges often faced by low-income, never-married parents navigating the family law and child support systems (Boggess, 2017).

### ***Children Involved***

In the custody cases sampled for this study, all parties were parents (mothers and fathers). Across the 53 Shriver representation cases, 104 children were involved—on average, two children per case (mean = 1.9)—and the average child age was 5.6 years. In the 56 comparison cases, a total of 82 children were involved—on average, between one and two children per case (mean = 1.6)—and the average child age was 8.3 years.

### ***Study Relevant Pleading (SRP)***

Custody cases can remain open for years. After the initial custody orders are issued, it is possible for the parties to submit a request to modify the existing orders. Such modification requests can be submitted multiple times over the life of a case, as circumstances in the parents' and children's lives change. Shriver clients could be at various points in their cases when they sought help, but were only provided services for one RFO (i.e., the "study relevant pleading" or SRP). The study relevant pleading was the initial custody pleading for 53% ( $n=28$ ) of Shriver representation cases and 66% ( $n=37$ ) of comparison cases. Among the remaining 25 Shriver representation cases, the study relevant pleading was a request to modify existing custody orders and ranged from the second to the sixteenth RFO filed. In the 19 comparison cases for which the study relevant pleading was a modification request, the SRP ranged from the second to the tenth RFO filed. For both groups, when the SRP was a request for modification (i.e., not the initial pleading), it was, on average, the third RFO filed.

To illustrate the age of the case when Shriver services were provided, the number of days between the petition and the study relevant pleading was calculated (see Table C19 for study group averages). The table shows this length of time separately for those cases in which the

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<sup>28</sup> Governmental child support cases are filed by the local child support agency and the County is named as the petitioner and the non-custodial parent is the respondent. Governmental child support cases are always filed if the custodial parent seeks welfare (TANF) benefits for the child or if the child becomes a ward of the state in a dependency action and foster care funds are provided for the child. As the petitioner, the child support agency does not always have the most up-to-date information on how to serve the non-custodial parent, thus, there can be a delay between case filing and service on that parent. In addition, any parent can request the services of the child support agency to establish parentage, obtain, modify or collect a child support order at no charge. While the local child support agency only provides assistance with the child support portion of the case, California law provides that custody and visitation can be determined in these cases. The mechanism for requesting a custody or visitation order is to legally "join" the custodial parent after parentage has been established, which involves filing papers with the court. Once the parent has been joined, either parent can file a motion for child custody or visitation and those issues will normally be heard in the family law court in the same way that a divorce, parentage or other family law case would proceed.

<sup>29</sup> There may be more than one type of petition that initiated a custody case. Percentages do not add to 100%.

study relevant pleading was the initial custody pleading and for those in which the relevant pleading was a subsequent request for modification of existing orders.<sup>30</sup>

**Table C19. Time from Petition to Study Relevant Pleading by Study Group**

Time from Petition to the SRP, when....	Shriver Representation	Comparison
SRP is the initial custody pleading <sup>a</sup>	28 (53%)	37 (66%)
Mean (SD) number of days from petition to SRP	96 (223.4)	144 (238.0)
Median number of days from petition to SRP	7	56
Range	0 - 948	0 - 1259
SRP is a request for modification of existing orders	25 (47%)	19 (34%)
Mean (SD) number of days from petition to SRP	1261 (1327.0)	1079 (999.9)
Median number of days from petition to SRP	712	854
Range	31 - 4527	3 - 4775

N=109. Shriver representation n=53; Comparison n=56.

Note: SRP = “study relevant pleading,” which refers to the segment of the custody case that received Shriver services or the segment of the comparison cases that is being used for comparative analysis. SD = standard deviation.

<sup>a</sup> Cases with a petition for governmental child support were omitted from the mean and median calculations due to their unique circumstances and the impact on case length (see footnote).

### **Complicating Issues and Allegations**

Custody cases can involve other allegations that may complicate the proceedings, such as domestic violence, child maltreatment, mental health problems, or substance use issues. These issues can bear on the court’s ability to determine fit parents and the best interests of the child. They may also reflect the level of dysfunction in the home or contentiousness between parties. Table C20 shows the issues raised by either party over the life of the custody case (not just the SRP). As shown, 72% of Shriver representation cases involved at least one allegation, versus 55% of comparison cases. The most frequent allegation pertained to domestic violence. On average, Shriver representation cases involved 1.6 issues, versus 1.2 issues per comparison case. (Note: Allegations may or may not have been substantiated.)

**Table C20. Issues Raised Over Life of Custody Case by Study Group**

Allegation made by either party regarding...	Shriver Representation	Comparison
Domestic Violence	24 (45%)	19 (34%)
Mental Health	18 (34%)	11 (20%)
Child Abuse	15 (28%)	8 (14%)
Child Neglect	14 (26%)	12 (21%)
Substance Abuse	15 (28%)	18 (32%)
No Issues	15 (28%)	25 (45%)

N=109. Shriver representation n=53; Comparison n=56.

Note: Multiple issues can be raised in each case, thus percentages do not add to 100%.

<sup>30</sup> Given the additional steps to file a governmental child support cases (see prior footnote), motions for child custody or visitation in the governmental child support cases can be filed significantly after the initial petition. Because of this, cases started with a petition for governmental child support were omitted from analysis presented above. Of the 12 cases with a petition for governmental child support in the current sample, seven had sufficient data to calculate the number of days from petition to SRP. For these cases, the estimates were notable higher than the rest of the sample: mean number of days = 1180, median = 755, range = 55-3542.

## Study Relevant Pleading

### *What was the role of Shriver client in the study relevant pleading?*

The San Diego pilot project (as all the custody projects) provided representation to parents who met the project eligibility criteria, regardless of their gender or their role in the case. Among the 53 Shriver cases sampled for analysis, mothers were the Shriver client in 89% ( $n=47$ ) of cases and fathers were the client in 11% ( $n=6$ ) of cases. Further, the Shriver client was the moving party (i.e., the person who instigated the pleading) in 49% ( $n=26$ ) of cases and the responding party in 51% ( $n=27$ ) of cases. Table C21 shows this distribution.

**Table C21. Shriver Client Role in Case**

Shriver Client was...	Mother	Father	Total
Moving party	23	3	26 (49%)
Responding party	24	3	27 (51%)
Total	47 (89%)	6 (11%)	53 (100%)

*Note:* SRP stands for “study relevant pleading,” which refers to the segment of the custody case that received Shriver services or the segment of the comparison cases that is being used for comparative analysis.

### *Were cases likely to have representation on both sides?*

As per the legislative direction, Shriver pilot custody projects intended to balance the playing field by reaching self-represented parents who faced a represented opposing party. As seen in Table C22, for the SRP, the majority (92%) of Shriver cases had legal representation on both sides. The four remaining cases had information in the case file that suggested imbalanced representation. In contrast, 50% ( $n=28$ ) of comparison cases had both parties unrepresented, 16% ( $n=9$ ) had both sides represented, and 18% ( $n=10$ ) had imbalanced representation. (Representation status of both parties could not be established for nine cases. This information can be difficult to determine from the case file because attorneys may substitute in and out over the life of the case.)

**Table C22. Party Representation by Study Group**

Representation Status	Shriver Representation	Comparison
Both sides represented	49 (92%)	9 (16%)
Both sides unrepresented	0 (0%)	28 (50%)
One side represented, one side SRL	4 (8%)	10 (18%)
Unknown	0 (0%)	9 (16%)

$N=109$ . Shriver representation  $n=53$ ; Comparison  $n=56$ .

### *What was requested by parties in the study relevant pleading?*

Shriver representation was intended for cases with sole custody at issue. Sole *legal* custody provides one parent the right and responsibility to make all decisions related to the health, education, and welfare of the child, without having to consult the other parent. Sole *physical* custody pertains to the parent that has primary physical custody of the child or the greater percentage of parenting timeshare (i.e., child is with that parent most or all of the time). Table C23 shows the legal and physical custody requests made by the moving and responding parties. Approximately 50% of cases in both groups involved a moving party requesting sole legal

custody and roughly 50% requesting joint legal custody. In contrast, roughly 80% of moving parties requested sole physical custody.

Not all cases involved a responding party who submitted a responsive declaration to make counter requests. However, responsive declarations were more common among Shriver representation cases (87%;  $n=46$ ) than among comparison cases (41%;  $n=23$ ). Among responses, 27% of Shriver cases involved a responding party requesting sole legal custody, versus 9% of comparison cases. More than two-thirds of Shriver cases involved a responding party requesting sole physical custody, versus less than one quarter of comparison cases.

**Table C23. Legal and Physical Custody Requests by Study Group**

Custody Requests	Shriver Representation		Comparison	
	Moving Party Request	Responding Party Request	Moving Party Request	Responding Party Request
<b>Legal Custody</b>				
Sole to Mother	12 (23%)	9 (17%)	14 (25%)	3 (5%)
Sole to Father	12 (23%)	6 (11%)	13 (23%)	2 (4%)
Joint	26 (49%)	26 (49%)	28 (50%)	13 (23%)
None/NA	3 (6%)	12 (23%)	1 (2%)	38 (68%)
<b>Physical Custody</b>				
Sole to mother	21 (40%)	24 (53%)	26 (46%)	10 (18%)
Sole to father	20 (38%)	8 (15%)	23 (41%)	2 (4%)
Joint	9 (17%)	10 (19%)	6 (11%)	6 (11%)
None/NA	3 (6%)	11 (21%)	1 (2%)	38 (68%)

$N=109$ . Shriver representation  $n=53$ ; Comparison  $n=56$ .

Sole physical custody is defined differently in different jurisdictions. A parent with sole physical custody can have anywhere from 70% timeshare and more. Arrangements with 100% time given to one parent are rare, and pleadings that request 100% timeshare—i.e., no time for the other parent—are one potential indication of high contentiousness. In this sample, seven Shriver representation cases and six comparison cases involved a request for 100% timeshare.

## Outcome Area #1: Court Efficiency

### *Shriver Settlement Conferences*

Shriver Settlement Conferences were a key court innovation of the San Diego project. These were special conferences, conducted by a designated judge to ensure consistency, to provide an opportunity for both parties to reach an agreement before the case went to hearing or trial.<sup>31</sup> Shriver settlement conferences were scheduled for all Shriver cases and held for 85% of them ( $n=45$ ). A few Shriver settlement conferences did not occur, most often because an agreement was reached before the conference date or because one of the parties did not appear. The number of days from the SRP filing date to the Shriver settlement conference date ranged from 0 to 382 days, with an average of 95 days (median = 80).<sup>32</sup> There were no Shriver

<sup>31</sup> Shriver settlement conferences, facilitated by a judge and offered to Shriver representation cases, were distinct from the existing settlement conferences, which were facilitated by a volunteer attorney and offered only to cases set for trial.

<sup>32</sup> The average time was based on 41 cases with data; five cases were missing data on case length.

settlement conferences in the comparison group, because the program did not exist prior to the Shriver pilot project.

Shriver settlement conferences could result in varying levels of agreement between parties, including full agreement on all issues, partial agreement (parties agree on some issues, but others remain unresolved and require additional court intervention), or no agreement on any issues. Table C24 shows the level of agreement as a result of the Shriver settlement conference and the ultimate method of resolution for the SRP. Of the 45 cases with Shriver settlement conferences, 42% ( $n=18$ ) reached full agreement, 18% ( $n=8$ ) reached partial agreement, and 33% ( $n=15$ ) reached no agreement. Of the 15 cases with no agreement, 11 were decided at a hearing. Of the 8 reaching partial agreement, three were decided at a hearing. Among those with partial agreement, three cases agreed on legal custody, two on physical custody, and two on visitation, while the other aspects of the cases remained in dispute (three cases were missing this data). Whether parties reached agreement during the Shriver settlement conference was not related to the pleading type (initial orders versus modification) nor to other allegations in the case.

**Table C24. Levels of Agreement via Settlement Conference, for Shriver Representation Cases Ultimately Resolved by Various Methods**

Ultimate Method of SRP Resolution	Agreement Reached via Settlement Conference			
	Full Agreement	Partial Agreement	No Agreement	Unknown
Mediation by Family Court Services	0	1	0	0
Settlement conference	16 <sup>a</sup>	1	0	1
Settlement before hearing	1	2	2	0
Decided at hearing	1 <sup>b</sup>	3	11	2
Became Dependency Case	0	0	1	0
Unknown/Missing	0	1	1	0

*Note.* SRP = study relevant pleading.  $N = 45$  cases with Shriver Representation cases and a settlement conference.

<sup>a</sup> Five cases had reached an agreement on custody and visitation terms at the settlement conference but disagreed on other issues of the pleading (e.g., child support). For purposes of these custody analyses, these pleadings were categorized as reaching full agreement in the settlement conference.

<sup>b</sup> One case reached an agreement at a settlement conference but had a subsequent court hearing. During the hearing, the court adopted the FCS recommendations.

### ***How were study relevant pleadings ultimately resolved?***

Table C25 shows the method of resolution for the SRP for all cases in each of the study groups. Eighteen cases (40% of the 45 cases that involved a settlement conference and 34% of the 53 Shriver representation cases) were ultimately resolved by a Shriver settlement conference. Anecdotally, judges and attorneys involved in the Shriver project described that these settlement conferences were effective at narrowing the issues, even if agreement was not reached. Of the remaining Shriver representation cases, most were either decided at a hearing (40%;  $n=21$ ) or settled before the hearing outside of a settlement conference (15%;  $n=8$ ). In the comparison group, nearly two-thirds of cases were resolved at a hearing (63%;  $n=35$ ), and nearly one third (30%;  $n=17$ ) were settled before the hearing.

Approximately three-quarters of both groups participated in at least one FCS mediation session, but the proportion of cases ultimately resolved by FCS mediation (4%) was notably smaller than the proportion resolved via Shriver settlement conference (43%). This may reflect the benefit of



having counsel present during the negotiation to help clients determine whether terms are reasonable and to facilitate agreement.

Overall, 54% of Shriver representation cases were ultimately settled, versus 30% of comparison cases. Further, 40% of Shriver cases were decided at a hearing, versus 63% of comparison cases. (A small number of cases in both groups—8%—were resolved in another manner.) These differences were statistically significant, indicating that Shriver cases were more likely to settle and less likely to be decided by the court.<sup>33</sup>

**Table C25. Method of Resolution of SRP by Study Group**

Method of Resolution	Shriver Representation	Comparison
Mediation by Family Court Services	2 (4%)	0 (0%)
Settlement conference	18 (34%)	n/a
Settlement before hearing	8 (15%)	17 (30%)
Decided at hearing	21 (40%)	35 (63%)
Became Dependency Case	1 (2%)	0 (0%)
Other	0 (0%)	2 (4%)
Unknown/Missing	3 (6%)	2 (4%)

*N*=109. Shriver representation *n*=53; Comparison *n*=56.

### ***Were there fewer hearings?***

When parties are amicable, and agreement can be easily reached, court hearings are not necessary. In theory, proceeding without a hearing is the least time- and resource-intensive path for the court and involved parties. When agreement cannot be reached, hearings become necessary for the court to determine case direction and outcomes. A single pleading can involve multiple hearings, particularly when the case is contentious. Table C26 shows the proportion of cases in each study group resolved with and without a hearing. Among Shriver representation cases, 16% were resolved without a hearing, versus just one (2%) comparison case. This difference was statistically significant.<sup>34</sup> Of those cases with at least one hearing, the average number of hearings was equivalent between the two groups (mean = 2.5).

**Table C26. Number of Hearings per SRP by Study Group**

Hearings	Shriver Representation	Comparison
Cases with no hearings [ <i>sig.</i> ]	8 ( <b>16%</b> )	1 ( <b>2%</b> )
Cases with at least one hearing	42 (84%)	55 (98%)
<i>Of those cases with at least one hearing, average number of hearings (SD) [ns]</i>	2.5 (1.7)	2.5 (1.7)

*N* = 106. Shriver representation *n* = 50; Comparison *n* = 56. Data on number of hearings was missing for 3 representation cases.

*Note.* *Sig.* = significant difference between groups; noted in bold. *ns* = not significantly different across groups.

<sup>33</sup>  $\chi^2(1) = 4.28, p < .05$ , Cramer's *V* = .206.

<sup>34</sup>  $\chi^2(1) = 6.869, p < .01$

Though the average number of hearings per pleading did not vary between the groups, the type of hearings held did. Overall, there were a total of 105 hearings among Shriver representation cases and 140 hearings among comparison cases. Table C27 lists the type of hearings that occurred for cases within each study group. Among the hearings held by Shriver representation cases, 59% ( $n=62$ ) were regular, 23% ( $n=24$ ) were review, 10% ( $n=11$ ) were long cause, and 8% ( $n=8$ ) were ex parte. In the comparison group, the majority of hearings were regular hearings (82%;  $n=115$ ), and the remaining hearings were review (9%;  $n=13$ ), ex parte (7%;  $n=10$ ) and long cause (1%;  $n=2$ ). The difference in hearing type between study groups was statistically significant.<sup>35</sup> Specifically, the Shriver cases had fewer regular hearing and more review hearings, relative to the comparison group. Review hearings are often used by the court to allow families some time to try out a new custody/visitation arrangement and then to report back to the court on the suitability of the arrangement. In this way, review hearings can alleviate the need for parents to file a new RFO to change existing custody orders that are not working out well.

**Table C27. Type of Hearing by Study Group**

Hearing Type	Shriver Representation	Comparison
Regular [sig.]	62 (59%)	115 (82%)
Review [sig.]	24 (23%)	13 (9%)
Long Cause	11 (10%)	2 (1%)
Ex Parte	8 (8%)	10 (7%)
Total	105 (100%)	140 (100%)

$N=109$ . Shriver representation  $n=53$ ; Comparison  $n=56$ .

Note. Sig. = significant difference between groups; noted in bold.

### ***Were pleadings resolved faster?***

The length of the study relevant pleading was defined as the length of time, in days, between the filing of the SRP by the moving party and the date of order, settlement, or judgment. Table C28 compares the SRP length by study group. On average, proceedings lasted about 4 months in both groups. For Shriver representation cases, the average length was 140 days and the median was 111 days. In the comparison group, the average length was 135 days and the median was 99 days. These differences were not statistically significant.<sup>36</sup>

**Table C28. Length of SRP (in days) by Study Group**

Number of Days	Shriver Representation	Comparison
Mean (SD)	140.0 (113.3)	134.8 (131.5)
Median [ns]	111	99
Range	26 - 614	0 - 849

$N=109$ . Shriver representation  $n=53$ ; Comparison  $n=56$ .

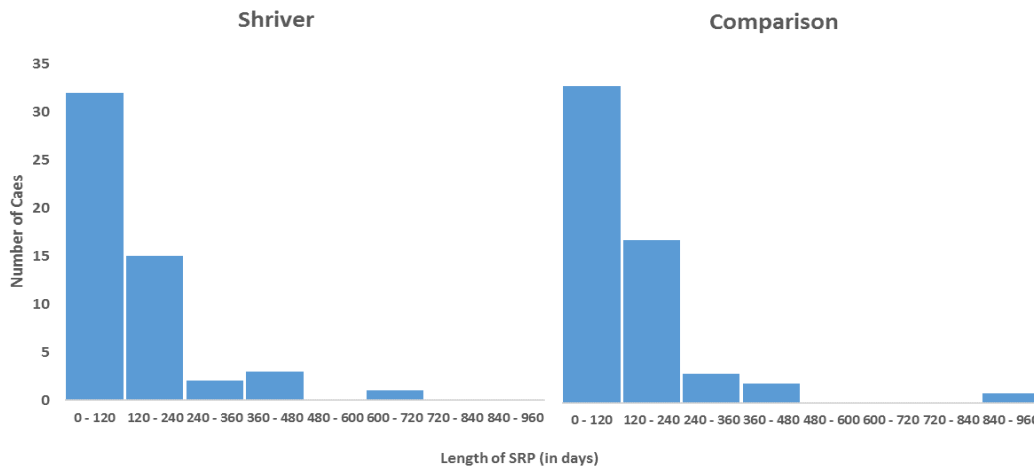
Note. ns = not significantly different across groups.

<sup>35</sup>  $\chi^2(3) = 21.022$ ,  $p < .001$ , Cramer's  $V = .293$ .

<sup>36</sup> Given the skewed distribution, a nonparametric test was used. Mann-Whitney  $U = 1399.5$ ,  $p = .608$ .

There was variability in the SRP length across cases. In particular, within both study groups, although the majority of pleadings were resolved within 4 months, a couple of cases took nearly 2 years to resolve. These outlying values cause the mean SRP length to be higher than the median (Table C28). Practically speaking, it is important to note that very few cases had pleadings that lasted this long. Figure C5 shows the distribution of SRP length for both groups.

**Figure C5. Length of SRP (in days) by Study Group**



## Outcome Area #2: Case Events and Outcomes

Child custody cases are complex. Myriad requests can be made, diverse outcomes are possible (e.g., various derivations of timeshare between parents), and a litigant’s role in the case (i.e., moving party versus responding party, self-represented litigant or not, current custodial parent or not) matters and can change over time. To establish an equivalent structure between the study groups and consistent perspective from which to interpret findings, data were analyzed according to the gender of the parent. Among the 53 cases receiving Shriver representation in San Diego, the mother was the Shriver client in 89% (n=47) of cases. To isolate the effect of Shriver representation, analyses compared the outcomes for mothers and fathers among the 47 Shriver representation cases with mothers as clients and among the 56 comparison cases. Analyses compared case outcomes and custody orders of the mother, regardless of whether the mother was the moving party or the responding party for the SRP.

Regarding attorney representation, all of the mothers in Shriver representation group were, by nature of being a Shriver client, represented. Among the comparison group, 70% of mothers (n=39) were self-represented (16 of whom had received help filing legal paperwork from family law facilitator), 23% (n=13) were represented by an attorney, and four cases (7%) were missing data the mother’s representation status.

### ***What custody and visitation orders were issued for the study relevant pleading?***

Table C29 shows the legal and physical custody orders for mothers and fathers for each study group, regardless of resolution method. Regarding legal custody, 81% (n=38) of Shriver representation cases and 75% (n=42) of comparison cases resulted in joint legal custody, a

difference that was not statistically significant.<sup>37</sup> Regarding physical custody, roughly one quarter of both groups (26% Shriver representation cases, 27% comparison cases) resolved with joint physical custody. Comparison cases appeared to have a greater proportion of cases with sole physical custody ordered to the mother (54%;  $n=30$ ) compared to Shriver representation cases (45%;  $n=21$ ). However, this difference was not statistically significant.<sup>38</sup>

**Table C29. Legal and Physical Custody Orders by Study Group**

Custody Orders	Shriver Representation	Comparison
<b>Legal Custody [ns]</b>		
Sole to Mother	5 (11%)	6 (11%)
Sole to Father	4 (8%)	6 (11%)
Joint	38 (81%)	42 (75%)
<b>Physical Custody [ns]</b>		
Sole to mother	21 (45%)	30 (54%)
Sole to father	14 (30%)	9 (16%)
Joint	12 (26%)	15 (27%)

$N=107$ . Shriver representation  $n=51$ ; Comparison  $n=56$ . Information was missing for custody orders for 2 Shriver representation cases: one was noted as “issue was not addressed” and one noted that the mother failed to appear due to illness.

Note. ns = not significantly different across groups.

Table C30 compares the visitation orders for study groups, organized by the physical custody orders issued. For example, if sole physical custody was granted to the mother, the type of visitation was granted to the father is shown. “Reasonable visitation” is a term used when the court enables the parties to establish a visitation schedule and routine that works for them without court order or supervision. This type of arrangement tends to happen in cases with a high level of cooperation and low conflict between parties. As seen in Table C30, no Shriver cases involved an order of reasonable visitation, and only one comparison case did, suggesting that the court felt that these families would benefit from additional structure.

Scheduled visitation was most commonly ordered among both study groups. This type of visitation occurs according to a schedule that is ordered by the court and that both parties are expected to adhere to. For many families, the visits are scheduled, but unsupervised, which means the parent has time with the child independently. However, for some families when concerns for child safety are present, the court orders the visits to be supervised by a third party. When the mother was granted sole physical custody, in both study groups, roughly 80% of fathers were granted scheduled and unsupervised visitation and about 10% of fathers (9% of the Shriver cases and 13% of comparison cases) were ordered to have scheduled and supervised visitation. When the father was granted sole physical custody, a greater percentage of mothers were ordered to have scheduled and supervised visitation—specifically, 31% of Shriver representation cases and 44% of comparison cases.

<sup>37</sup>  $\chi^2(2) = 0.207, p = .902$ .

<sup>38</sup>  $\chi^2(2) = 2.536, p = .281$ .

**Table C30. Visitation Orders by Physical Custody Ordered and Study Group**

Visitation Order	Shriver Representation			Comparison		
	Mom has Sole	Dad has Sole	Joint	Mom has Sole	Dad has Sole	Joint
Reasonable Visitation	0 (0%)	0 (0%)	0 (0%)	1 (3%)	0 (0%)	0 (0%)
Scheduled, Unsupervised	17 (81%)	9 (69%)	8 (67%)	24 (80%)	5 (56%)	7 (47%)
Scheduled, Supervised	2 (9%)	4 (31%)	0 (0%)	4 (13%)	4 (44%)	0 (0%)
Other	0 (0%)	0 (0%)	0 (0%)	1 (3%)	0 (0%)	2 (13%)
None	1 (5%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
Not Applicable	1 (5%)	0 (0%)	4 (33%)	0 (0%)	0 (0%)	6 (40%)
Total	21	14	12	30	9	15

*Note.* Data were missing for the terms of visitation for one Shriver case with sole custody ordered for the father.

***What were the physical custody orders, in relation to the physical custody requests?***

Reviewing the legal and physical custody orders that resulted from the study relevant pleading is informative. However, it does not provide a full understanding of the trajectory of the case. To better understand the outcomes, and the potential impact of Shriver representation, it is helpful to examine the orders in the context of what the parties were requesting. Figure C6 illustrates the trajectories of cases, relative to physical custody, and according to:

- *Study group membership*—Shriver representation cases with mother clients ( $n=47$ ) and comparison cases ( $n=56$ );
- *Mother's role in the case*—namely, whether she was the moving party (who prompted the pleading and requested something of the court) or the responding party (who may or may not have submitted counter request);
- *Requests made by the moving party regarding physical custody*—specifically, what the moving party asked the court to order (*Note:* Figure C6 does not show any requests made by the responding party);
- *Orders regarding physical custody*—specifically, the results of the study relevant pleading, including determination of sole or joint custody and the custodial parent.

As shown in the Figure C6, the study relevant pleadings often involved a sole custody request by the moving party.<sup>39</sup> In Shriver representation cases, roughly half of the clients (mothers) were the moving party ( $n=23$ ) and roughly half were the responding party ( $n=24$ ). In the 23 cases in which the mother was the moving party, 70% ( $n=16$ ) involved the mother requesting sole physical custody for herself, 9% ( $n=2$ ) involved the mother requesting the father have sole custody, and 9% ( $n=2$ ) involved her requesting joint custody. In the 16 cases where the mother requested sole custody for herself, she was granted sole custody 50% of the time ( $n=8$ ), joint

<sup>39</sup> Having sole custody at issue was part of the eligibility criteria for Shriver representation and for the comparison case selection. Note that Figure C6 does not include specific requests made by the responding party (these are shown later), and it is possible that in some cases this party requested sole custody in response to the moving party's pleading. Also, please note that Figure C6 pertains only to physical (not legal) custody. It is possible that the parties requested sole legal custody, and were therefore eligible for Shriver services, but not sole physical custody.

custody was granted 22% of the time ( $n=5$ ), and sole custody was granted to the father 13% of the time ( $n=3$ ).

In the 24 cases in which the mother was the responding party, 67% ( $n=16$ ) involved the father filing for sole custody, 8% ( $n=2$ ) involved the father requesting the mother to have sole custody, and 25% ( $n=6$ ) involved the father requesting joint custody. In the 16 cases where the father requested sole physical custody for himself, the mother was granted sole custody in three (19%) cases, joint custody was granted in 7 cases (44%), and the father was granted sole custody in six cases (38%).

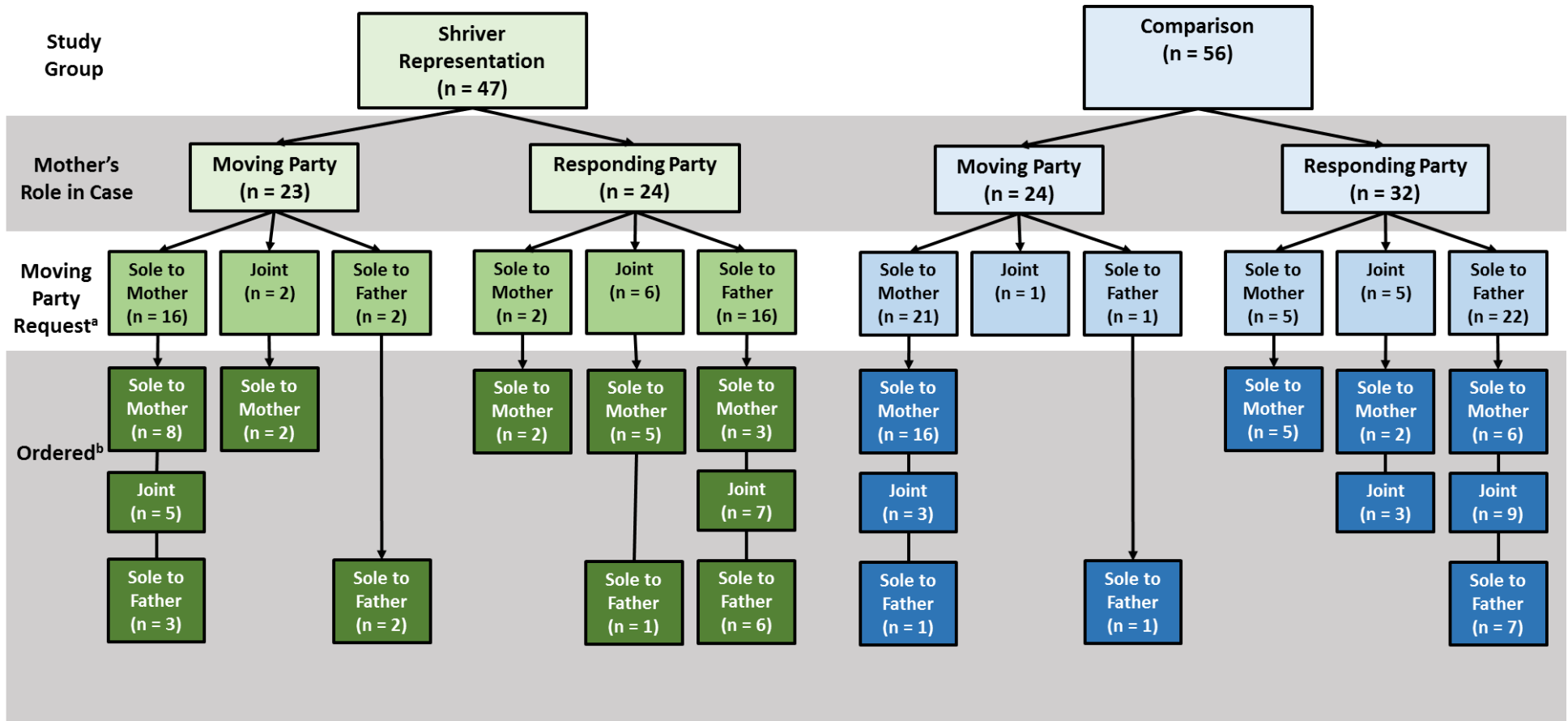
Trajectories in the comparison group show a somewhat similar trend. Mothers were the moving party in 24 cases and the responding party in 32 cases. When mothers were the moving party, almost all ( $n=21$ ) requested sole physical custody to the mother.

In the 24 comparison cases in which the mother was the moving party, 88% ( $n=21$ ) involved the mother requesting sole physical custody for herself, one case involved the mother requesting the father have sole custody, and one involved her requesting joint custody (one case was missing this information). In the 21 cases where the mother requested sole custody for herself, she was granted sole custody 76% of the time ( $n=16$ ), joint custody was granted 14% of the time ( $n=3$ ), and sole custody was granted to the father 5% of the time ( $n=1$ ).

In the 32 comparison cases in which the mother was the responding party, 69% ( $n=22$ ) involved the father filing for sole custody, 16% ( $n=5$ ) involved the father requesting the mother to have sole custody, and 16% ( $n=5$ ) involved the father requesting joint custody. In the 22 cases where the father requested sole physical custody for himself, the mother was granted sole custody in 6 (27%) cases, joint custody was granted in 9 cases (41%), and the father was granted sole custody in 7 cases (32%).

Given the heterogeneity of representation status among the comparison cases, it is helpful to examine the case trajectories separately for those cases with lop-sided representation, those with both parties self-represented, and those with both parties with legal counsel. Figure C6 illustrates the moving party requests and the case outcomes regarding physical custody for these subgroups of the comparison cases. The reader should be advised: The numbers of cases in each of these conditions gets very small, so these estimates should be considered exploratory and interpreted with caution.

Figure C6. Physical Custody Requests and Orders by Study Group

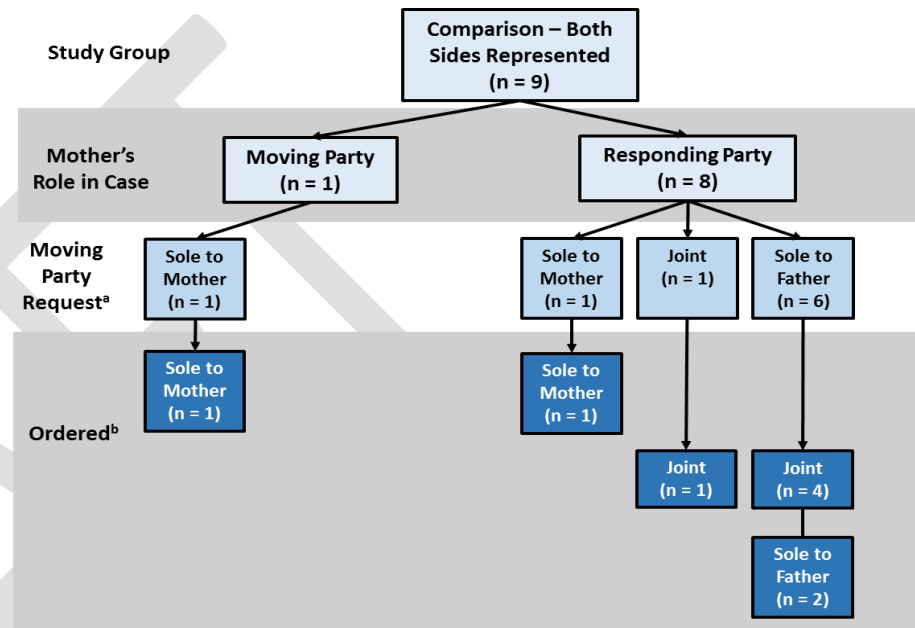
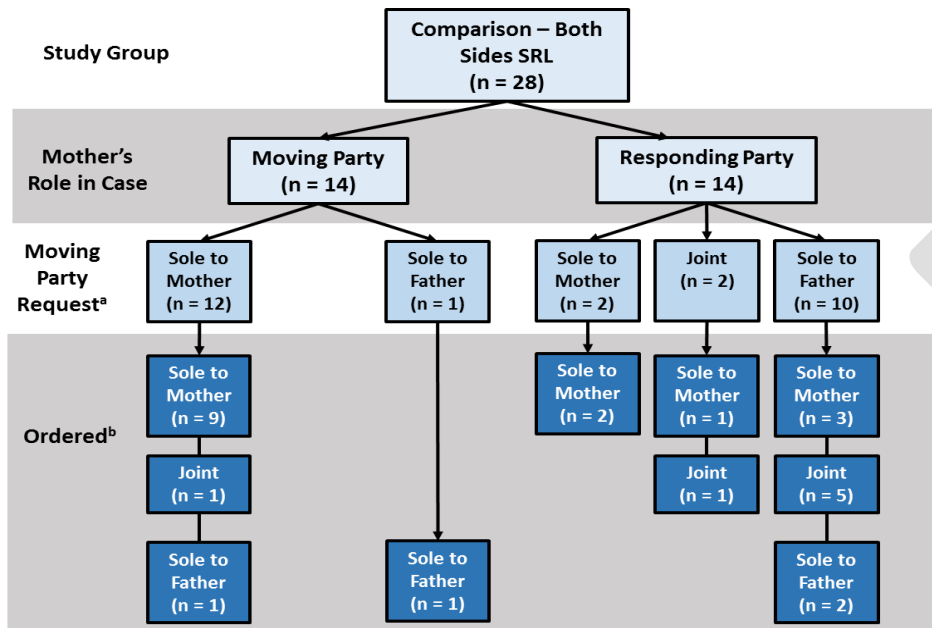
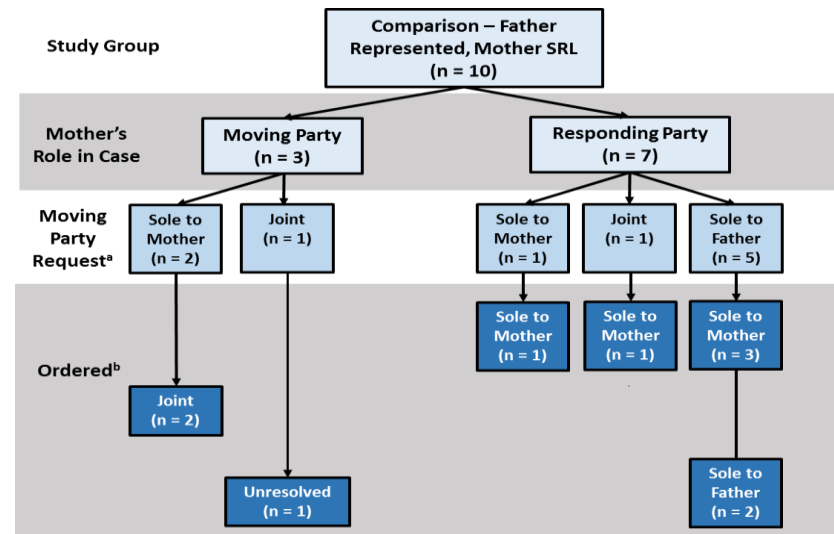


Note. Figure is oriented to the mother in each case—figures show outcomes when mother was moving party or responding party.

<sup>a</sup>Custody arrangements requested in study relevant pleading (SRP) by the moving party.

<sup>b</sup>Custody arrangements at case close, either settled or court ordered.

Figure C7. Physical Custody Requests and Orders in Comparison Group by Parties' Representation Status





***What additional orders were issued at the resolution of the study relevant pleading?***

Given that these custody cases often involved serious concerns regarding the welfare of a child(ren) and concerns about parental fitness, additional orders beyond legal and physical custody and visitation were often requested by parties. Such additional orders included, for example, mandated mental health treatment, substance abuse counseling, parenting classes, or batterer’s treatment. Table C31 shows whether any of these additional orders were issued, for either party, at the end of the study relevant pleading.

In both groups, parenting class was the most frequent order, which was issued for significantly more Shriver representation cases (38%;  $n=20$ ) than comparison cases (18%;  $n=10$ ).<sup>40</sup> Other orders,<sup>41</sup> such as those for mental health treatment or substance abuse counseling, were made for a small number of cases in both study groups. For Shriver representation cases, four cases (8%) involved orders for a parent to attend therapy or mental health counseling and an additional four cases (8%) ordered substance abuse counseling. Among the comparison group, four cases (7%) involved orders for therapy or mental health treatment, and an additional two cases (4%) involved orders for substance abuse counseling. Ten (19%) Shriver representation cases and four comparison cases involved non-specified “other” orders. These were typically more detailed and case-specific orders for the parents to follow, such as provisions prohibiting the parents from using drugs around the children, limiting parents’ ability to move away or take the children on vacation.

Overall, a greater proportion of Shriver representation cases (66%) tended to include additional orders, relative to comparison cases (34%).<sup>42</sup> This may be due to the added expertise brought to the case by the Shriver attorneys. In particular, attorneys know what can be ordered by the judge and what is reasonable to request, while self-represented litigants may not know these options exist. Further, having counsel on both sides of a case likely yields more comprehensive information about the case for the court, which could result in additional orders.

**Table C31. Other Court Orders for the SRP by Study Group**

<b>Court Orders</b>	<b>Shriver Representation</b>	<b>Comparison</b>
Parenting Class [ <i>sig.</i> ]	20 ( <b>38%</b> )	10 ( <b>18%</b> )
Therapy/Mental Health treatment	4 (8%)	4 (7%)
Substance Abuse Counseling	4 (8%)	2 (4%)
Other	10 (19%)	4 (7%)
No other orders [ <i>sig.</i> ]	18 ( <b>34%</b> )	37 ( <b>66%</b> )

*N*=109. Shriver representation  $n=53$ ; Comparison  $n=56$ .

*Note.* There may be more than one issue ordered in each case, so percentages do not add to 100%.

*sig.* = significant difference between groups; noted in bold.

<sup>40</sup>  $\chi^2(1) = 5.394$ ,  $p < .05$ , Cramer’s  $V = .222$ .

<sup>41</sup> No cases in either group involved a restraining order being issued as part of the custody determination or a batterer’s program being ordered. It is likely that these orders, if granted, were part of other hearings.

<sup>42</sup>  $\chi^2(1) = 11.230$ ,  $p < .01$ , Cramer’s  $V = .321$ .

***Were custody orders related to any additional orders granted by the court?***

Table C32 displays whether any additional orders for mothers and fathers were issued, organized by which party was granted physical custody. As shown in the table, additional orders for outside services (e.g., mental health treatment, substance use counseling) were more common for cases in which one parent was given sole custody (i.e., not those granted joint custody), in both study groups. Further, these orders more often targeted the non-custodial parent, a potential indication of the court’s understanding of what would be in the best interests of the child and constitute the safest parenting environment. These findings may provide some possible insight into external circumstances that impacted custody decisions.

**Table C32. Additional Orders by Physical Custody Awarded by Study Group**

Additional Orders	Shriver Representation			Comparison		
	Sole to Mom	Sole to Dad	Joint	Sole to Mom	Sole to Dad	Joint
<b>Therapy</b>						
For Mom	1 (5%)	1 (7%)	0 (0%)	1 (3%)	1 (11%)	1 (7%)
For Dad	3 (14%)	1 (7%)	0 (0%)	2 (7%)	1 (11%)	0 (0%)
For Child	2 (10%)	1 (7%)	1 (8%)	4 (13%)	0 (0%)	1 (7%)
<b>Substance Use Counseling</b>						
For Mom	0 (0%)	3 (21%)	0 (0%)	0 (0%)	1 (11%)	1 (7%)
For Dad	1 (5%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
<b>Parenting Classes</b>						
For Mom	7 (33%)	5 (36%)	1 (8%)	5 (17%)	0 (0%)	2 (13%)
For Dad	7 (33%)	5 (36%)	1 (8%)	6 (20%)	1 (11%)	2 (13%)
<b>Other</b>						
For Mom	3 (14%)	3 (21%)	1 (8%)	1 (3%)	1 (11%)	2 (13%)
For Dad	2 (10%)	2 (14%)	0 (0%)	0 (0%)	0 (0%)	1 (7%)
<b>Total</b>	<b>21</b>	<b>14</b>	<b>12</b>	<b>30</b>	<b>9</b>	<b>15</b>

***Were the custody orders among Shriver cases more durable?***

Stakeholders in the San Diego pilot project believed that the Shriver settlement conferences had the power to increase the engagement of, and buy-in from, parties and, thus, to yield more durable settlements. The evaluation therefore explored the durability of the orders by examining whether and how often parties returned to the court requesting a modification of the custody orders granted at the end of the SRP. Because custody cases can involve repeated requests for modifications, especially in contentious cases, this examination may help elucidate whether providing representation and more intensive settlement services can help ease tensions between the parties and make cooperation more plausible. Increased durability of custody orders will facilitate court efficiency over the longer term, as fewer cases will be repetitively congesting the court.

Durability of orders was defined by whether a subsequent RFO to modify legal or physical custody orders was filed during the 2 years after the SRP resolution. When a subsequent RFO was filed, the time between the resolution of the SRP and the filing date of the RFO was examined. As shown in Table C33, 11% ( $n=6$ ) of Shriver representation cases filed a subsequent

custody-related RFO within 2 years. In contrast, 32% ( $n=18$ ) of comparison cases filed one during this time. This difference was statistically significant.<sup>43</sup> This proportion was similar among those cases that participated in a settlement conference—that is, of the 45 cases with a settlement conference, 11% ( $n=5$ ) filed a subsequent RFO within 2 years. In sum, Shriver representation cases were significantly less likely to return to court to modify their custody orders within the 2-year follow-up period; their orders appear to be more durable.

**Table C33. Durability of Custody Orders (2 years) by Study Group**

Did either party file an RFO to modify the custody orders established by the SRP? <sup>a</sup>	Shriver Representation	Comparison
Yes [ <i>sig.</i> ]	6 (11%)	18 (32%)
No	47 (89%)	38 (68%)

$N=109$ . Shriver representation  $N=53$ ; Comparison  $N=56$ .

<sup>a</sup> Within 2 years after the resolution of the study relevant pleading (SRP).

Note. *sig.* = significant difference between groups; noted in bold.

Previous research by the Administrative Office of the Courts of California has found that mediation in custody cases is more likely to yield durable settlements when conducted with parents requesting initial orders, versus modified orders (AOC, 2012). That is, if parties have cycled through the court multiple times and have established a pattern of modifying existing orders, mediation is less likely to be effective. With this understanding, Table C34 shows the durability of orders separately for those cases in which the SRP was for initial custody orders or a request for modification.

In the Shriver representation group, there was no difference in the rate of subsequent RFO filing, within 2 years, by whether the SRP was the initial custody pleading or modification. In both circumstances, nearly 90% of Shriver cases did not return to court. In the comparison group, there was a notable difference in the durability of orders based on whether the SRP was the initial custody pleading or a modification. In particular, 22% of cases in which the SRP was the initial pleading returned to court within 2 years—that is, the custody orders were durable for about three-quarters of these cases. In cases where the SRP was a modification, 53% of cases had filed a subsequent RFO within 2 years—that is, the custody orders were durable for less than half of the cases.

**Table C34. Durability of Custody Orders (2 years) by Study Group and Timing of SRP**

Did either party file an RFO to modify the custody orders established by the SRP? <sup>a</sup>	Shriver Representation		Comparison	
	SRP was the Initial Pleading	SRP was a Modification	SRP was the Initial Pleading	SRP was a Modification
Yes	3 (11%)	3 (12%)	8 (22%)	10 (53%)
No	25 (89%)	22 (88%)	29 (78%)	9 (47%)

$N=109$ . Shriver representation  $n=53$ : SRP Initial Pleading  $n=28$ , SRP Modification  $n=25$ . Comparison  $n=56$ : SRP Initial pleading  $n=37$ , SRP Modification  $n=19$ .

<sup>a</sup> Within 2 years after the resolution of the study relevant pleading (SRP).

<sup>43</sup>  $\chi^2(1) = 6.876$ ,  $p < .01$ , Cramer's  $V = .251$ .

Of those cases that filed a subsequent request to modify existing custody orders, Shriver cases appeared to take longer to return to court. Among those few cases for which the study relevant pleading was the initial pleading, on average, the three Shriver representation cases filed a subsequent RFO 408 days after the SRP resolution (median = 450, range = 288 to 487) and the eight comparison cases filed on 182 days after the SRP resolution (median = 169, range = 26 to 546). Among those cases for which the study relevant pleading was a modification, on average, the three Shriver representation cases filed a subsequent RFO 314 days after the SRP resolution (median = 245, range = 71 to 626) and the ten comparison cases filed an RFO 293 days after the SRP resolution (median = 138, range = 48 to 724). These group differences were not tested for significance, given the very small sample sizes.

***Did Shriver clients become self-represented litigants after the study relevant pleading?***

Project stakeholders wondered whether Shriver clients would revert to self-representation after the study relevant pleading was resolved and Shriver services concluded. In total, 16 Shriver cases had a subsequent RFO filed within the 2 years after the study relevant pleading. (Of these, six RFOs sought to modify the custody orders, which is why they are shown in Tables C57 and C58 representing the durability of the custody orders. The remaining ten RFOs pertained to other issues.) Across these 16 cases, the representation status of the Shriver client was examined at the time of the subsequent RFO: five (31%) had attorney representation; five (31%) were self-represented, and six (38%) were missing representation data. Shriver clients were mostly mothers, but of these 16 cases, two involved the fathers as clients. At the subsequent RFO, one father was self-represented and the other was missing data.

## **Summary**

To assess the potential impact of the Shriver pilot custody project in San Diego, a total of 53 cases that received Shriver representation were compared to 56 comparison cases that took place before the Shriver pilot project began. For all 109 cases, data were gathered via a review of the individual court case files and reflect a single pleading that involved sole custody.

The Shriver pilot project assisted both moving parties and responding parties. The majority of their clients were mothers likely because fathers' incomes were higher and they were able to afford counsel, which then rendered the mother eligible. Relative to the comparison group, a larger proportion of Shriver representation cases involved allegations of domestic violence, child maltreatment, substance use, or mental health issues (45% versus 78%, respectively).

Determining whether Shriver representation resulted in better custody outcomes was very difficult. The rates of sole and joint custody orders did not appear to differ significantly between the study groups, but it was not possible for the analysis to take into consideration all of the potential mitigating factors in these decisions. For both study groups, the study relevant pleadings ended with the majority (75%-81%) of cases being awarded joint legal custody. Regarding physical custody, the study relevant pleadings ended with roughly one quarter of both study groups awarded joint custody and half of mothers awarded sole custody (45% of Shriver cases and 54% of comparison cases).

Despite the difficulty in determining differences in custody orders, some notable differences were found between cases that received Shriver representation and comparison cases. Data suggest that Shriver services appeared to:

***Level the Playing Field***

- Shriver services targeted cases in which a self-represented parent was facing a parent with legal representation. Court data showed that 92% of Shriver representation cases had attorneys on both sides, indicating that the project succeeded in “leveling the playing field.” By contrast, 16% of comparison cases had representation on both sides, 18% had representation on one side only, and 50% had two self-represented parents (data were missing for 16%).

Having legal representation benefits parents, because their sides of the story are more adequately represented in court, and they are able to more effectively navigate the legal system and cause fewer delays. Representation can also benefit the court by ensuring that judges have comprehensive information on which to base custody decisions; the more informed these decisions are, the better than can serve the best interests of the child.

***Increase the Rate of Settlements***

- Settlement conferences, conducted by judge, were a court innovation implemented by the San Diego Shriver project. All cases receiving Shriver representation were scheduled for a conference, 85% participated in one. (Conferences did not occur when the parties settled beforehand or one party did not show up.)
  - 60% of cases with a settlement conference reached full or partial agreement on the custody pleading.
- Pleadings in 54% of Shriver representation cases were ultimately resolved by settlement (via mediation, settlement conference, or other), versus 30% of comparison cases.
  - The difference in the rate of settlements between Shriver cases and comparison cases is largely due to agreements from settlement conferences.
- Pleadings in 40% of Shriver representation cases were ultimately decided at a hearing, versus 63% of comparison cases.

Increasing the rate at which parties settle in custody cases has a number of potential benefits. This helps parents feel that they were heard, that they played an active role in their case (rather than just having the court decide for them), and have a greater sense of satisfaction with the outcome. It also reduces burden on the court because fewer cases will require hearings and trials to resolve.

***Improve the Durability of Custody Orders***

- Over time, custody cases can involve multiple requests to modify existing orders. Within the 2 years after the study relevant pleading was resolved, only 11% of Shriver representation cases had filed an RFO to modify the existing custody orders, versus 32% of comparison cases.

- Custody orders were durable for 89% of Shriver cases, and this applied to cases litigating initial custody orders or modifying previous orders. In the comparison group, orders were durable for 78% of cases obtaining initial custody orders, but for only 47% of those seeking to modify existing orders.

Having custody orders that are durable offers several benefits. Reducing the number of families returning to court can have a substantial impact on court efficiency and congestion. More importantly, having custody orders remain in place for long periods of time increases stability for children of separated parents and, hopefully, reflects improved cooperation.

Increasing settlements and improving the durability of custody orders are important project achievements. While it is difficult to disentangle the separate contributions of legal representation and mandatory settlement conferences, preliminary data suggest that both are useful. In practice, these project elements are intertwined, because attorneys attend the settlement conferences and are often instrumental in facilitating agreements. During a settlement conference, attorneys can provide their clients with advice about terms, education about the process, and counsel about reasonable expectations. This can increase litigants' confidence entering into agreements and their investment in the agreement succeeding.

Litigants were not randomly assigned to receive Shriver representation, so it is possible that non-equivalence in the study groups has impacted the findings. For example, the Shriver representation cases demonstrated greater heterogeneity in the circumstances that brought them to the custody court, than did the comparison cases. In particular, Shriver clients had reached their custody pleading after filing a range of petitions, including uniform parentage, governmental child support, and domestic violence. Just 42% of Shriver clients had filed a dissolution of marriage petition, whereas 100% of the comparison cases were instigated by divorce petitions. The homogeneity of the comparison group is due to the methods used by the court IT staff, and what was possible with the court case management system, to identify cases for the study sample. However, this difference in the study groups may have been influential in their custody proceedings, in that parties who were never married may have more challenges in collaborating and co-parenting than those who took the step to get married.

## **San Francisco Pilot Project Case-Level Outcomes Study**

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### **Methodology**

In San Francisco, legal services staff from the Justice and Diversity Center (JDC) had undertaken a local data collection effort before the Shriver evaluation began. In particular, they observed court readiness calendars and identified cases that they thought would be appropriate for Shriver services (specifically, cases with imbalanced representation and sole custody at issue) before the project formally began. Staff recruited these litigants for study participation as comparison cases, gathered basic information about them, and did not provide services to the parties, even if the case continued into the Shriver implementation period. Rather than increase the existing data collection and recruitment burden on the project staff and clients, the evaluation team agreed to use the same sampled litigants already recruited by the JDC staff for their local investigation. This sample included 25 Shriver cases and 24 comparison cases.

Attempts were made to review the court files for all 49 cases. However, upon review, six cases had characteristics that precluded them from study inclusion (e.g., pleading during study period did not involve custody, not in San Francisco jurisdiction). In total, three Shriver representation cases and three comparison cases were removed from analysis. The final analytic sample had a total of 43 cases: 22 cases with a Shriver-represented party and 21 comparison cases.

### **Description of Sampled Custody Cases**

#### ***Type of Petition***

Custody cases can be derived from a variety of different petitions. For cases receiving Shriver representation, petition types included dissolution of marriage (32%;  $n=7$ ), governmental child support (27%;  $n=6$ ), custody/visitation (23%;  $n=5$ ), uniform parentage request (18%;  $n=4$ ), and domestic violence (18%;  $n=4$ ). In the comparison group, the majority of cases were initiated by a petition for dissolution of marriage or separation (57%;  $n=12$ ) or domestic violence (38%;  $n=8$ ). Few cases were initiated by petitions for uniform parentage (10%;  $n=2$ ), governmental child support (10%;  $n=2$ ), or custody/visitation (5%;  $n=1$ ).

#### ***Children Involved***

Among the 22 sampled Shriver representation cases, most had one or two children (mean = 1.6) and the average child age was 7.4 years. Among 20 of the 21 cases sampled for the comparison group (one case was missing child information), there was an average of one to two (mean = 1.6) children per case and the average child age was 8.4 years.

#### ***Study Relevant Pleading (SRP)***

As described earlier, Shriver services addressed one RFO (request for orders) at any time in the life of the custody case (the study relevant pleading; SRP); a single RFO can involve several events and last for several weeks or months. Five (23%) Shriver representation cases were seeking initial custody orders, as were nine (43%) comparison cases. Among the remaining cases that were seeking to modify existing orders, the study relevant pleading ranged from the 2<sup>nd</sup> to 26<sup>th</sup> RFO in Shriver representation cases and from 3<sup>rd</sup> to 10<sup>th</sup> RFO in the comparison cases. In both groups, on average (median) the SRP was the 4<sup>th</sup> RFO filed in the case.

Table C35 displays the average number of days between the initial petition and the study relevant pleading. The table shows this separately for those cases in which the study relevant pleading was the first custody pleading and for those in which the relevant pleading was a request for modification of existing orders.

**Table C35. Time from Initial Custody Petition to Study Relevant Pleading by Study Group**

	Shriver Representation	Comparison
SRP is the initial custody pleading	5 (26%)	9 (45%)
Mean (SD) number of days from petition to SRP	73 (126.2)	275 (130.7)
Median number of days from petition to SRP	1	85
Range	0 – 219	0 – 1535
SRP is a request for modification	14 (74%)	11 (55%)
Mean (SD) number of days from petition to SRP	1474 (1057.3)	1861 (1308.0)
Median number of days from petition to SRP	1227	1329
Range	76 – 3694	571 – 4436

*N*=39. Shriver representation *n*=19; Comparison *n*=20. Data were missing for 3 Shriver cases, 1 comparison case.

*Note:* SRP = “study relevant pleading,” which refers to the segment of the custody case that received Shriver services or the segment of the comparison cases used for comparative analysis.

## Study Relevant Pleading

### *What was the role of Shriver clients in the study relevant pleading?*

The San Francisco Shriver custody pilot project provided representation to parents who met the program eligibility criteria, regardless of their gender or their role in the case. Among the 22 Shriver representation cases, the Shriver client was the moving party in 14 cases (64%) and the responding party in 8 cases (36%). Across the 21 comparison cases, seven involved a self-represented moving party, seven involved a self-represented responding party, and seven involved balanced representation (i.e., both sides were either self-represented or represented by an attorney) or not enough information was available regarding representation for both parties.<sup>44</sup> The client’s role is displayed in Table C36.

**Table C36. Client Role in Case**

Client Role	<i>N</i>	% of Group	% of Total Sample
<b>Shriver Cases</b>			
Moving Party Client	14	64%	33%
Responding Party Client	8	36%	19%
<b>Comparison Cases</b>			
Moving Party self-represented (SRL)	7	33%	16%
Responding Party self-represented (SRL)	7	33%	16%
Balanced Cases/Unknown Representation	5	24%	12%
Unknown Representation	2	10%	5%

<sup>44</sup> Using the court case file to determine whether a party has legal representation for a particular custody pleading can be difficult because attorneys often substitute in and out over the life of a case and these shifts are not always documented clearly in the case file.



As shown earlier in the project service summaries, the San Francisco pilot custody project served a higher proportion of fathers than did the other two projects. The cases sampled at their site for analysis also had a greater proportion of father clients. Among the 22 Shriver representation cases that were sampled, the client was the father in 73% ( $n=16$ ) of cases and the mother in 27% ( $n=6$ ). In addition, the Shriver client was the moving party in 64% ( $n=24$ ) of cases and the responding party in 36% ( $n=8$ ) of cases. Table C37 shows this distribution.

In the comparison group, recall that there were 14 cases with unbalanced representation. Eight of these cases involved a self-represented mother facing a represented father, and six cases involved a self-represented father facing a represented mother. The remaining seven cases in the comparison had balanced representation on both sides of the case or were missing data on the representation status of both parties.

**Table C37. Distribution of Mothers and Fathers for San Francisco Custody Cases**

Client Role	Mother	Father
<b>Shriver Cases</b>		
Moving Party Client	2 (14%)	12 (86%)
Responding Party Client	4 (50%)	4 (50%)
<b>Comparison Cases with Unbalanced Representation<sup>a</sup></b>		
Moving Party Self-Represented Litigant	3 (43%)	4 (57%)
Responding Party Self-Represented Litigant	5 (71%)	2 (29%)

<sup>a</sup> Figures shown in the table reflect only the 14 comparison cases with one self-represented party and one represented party. The other 7 comparison cases had balanced representation.

### ***Were cases likely to have representation on both sides?***

Table C38 displays the representation status of both parties across cases. Among Shriver cases, 82% ( $n=18$ ) had both parties represented by an attorney and 14% had information in the case file suggesting imbalanced representation. Among comparison cases, 67% ( $n=14$ ) involved unbalanced representation, where one party was self-represented and the other had an attorney, and 24% involved balanced representation. (Recall that representation status is sometimes difficult to determine from court case files because attorneys frequently substitute in and out over the life of a custody case.)

**Table C38. Party Representation by Study Group**

Representation Status	Shriver Representation	Comparison
Both sides represented	18 (82%)	3 (14%)
Both sides unrepresented	0 (0%)	2 (10%)
One side represented, one side SRL	3 (14%)	14 (67%)
Unknown	1 (5%)	2 (10%)

$N=43$ . Shriver representation  $n=22$ ; Comparison  $n=21$ .

***What was requested in the study relevant pleading?***

Table C39 shows the legal and physical custody requests made by both parties in the study relevant pleading. Regarding legal custody, among Shriver representation cases, 42% of moving parties were requesting sole custody and 45% of responding parties were. In the comparison cases, 29% of moving parties and responding parties were requesting sole custody to one parent. Most often, on both groups, moving parties were requesting joint legal custody (55% of Shriver representation cases and 38% of comparison cases).

Regarding physical custody, among Shriver representation cases, 45% of moving parties and 45% of responding parties requested sole custody. Among comparison cases, 39% of moving parties and 48% of responding parties requested sole custody. Notably, nearly half of the moving parties in both groups (45% of Shriver cases and 43% of comparison cases) requested joint physical custody. The timeshare cutoff that defines the difference between sole and joint physical custody can be blurry in practice. The San Francisco pilot project used 70% timeshare as the basis for determining that a request was for sole physical custody, because the non-custodial parent would spend less than 30% time with the child. This project-level distinction of “sole” custody may not have aligned with the court case file denotation of sole custody (thus, the proportion of Shriver cases with “joint” custody requests may be high).

Not all responding parties submitted a responsive declaration involving counter requests. About two-thirds of cases in both groups had a responsive declaration filed: 63% ( $n=12$ ) of Shriver representation cases and 68% ( $n=15$ ) of comparison cases.

**Table C39. Legal and Physical Custody Requests by Study Group**

Custody Requested	Shriver Representation		Comparison	
	Moving Party Request	Responding Party Request	Moving Party Request	Responding Party Request
<b>Legal Custody</b>				
Sole to Mother	3 (14%)	8 (36%)	5 (24%)	4 (19%)
Sole to Father	4 (28%)	2 (9%)	1 (5%)	2 (10%)
Joint	12 (55%)	4 (18%)	8 (38%)	4 (19%)
None/NA	3 (14%)	8 (36%)	7 (33%)	11 (52%)
<b>Physical Custody</b>				
Sole to mother	6 (27%)	8 (36%)	6 (29%)	6 (29%)
Sole to father	4 (18%)	2 (9%)	2 (10%)	4 (19%)
Joint	9 (41%)	4 (18%)	9 (43%)	2 (10%)
None/NA	3 (14%)	8 (36%)	4 (19%)	7 (33%)

$N=43$ . Shriver representation  $n=22$ ; Comparison  $n=21$ .

### ***Complicating Issues and Allegations***

Custody cases can involve issues or allegations—such as domestic violence, child maltreatment, substance use, or mental health—that influence court orders regarding custody and visitation. Table C40 shows the number of cases with these issues raised as part of the SRP by either party. Over three quarters (77%) of Shriver representation cases had at least one issue raised, in contrast with 62% of comparison cases. Among Shriver cases, the most common issue raised was domestic violence (59%).

**Table C40. Issues Raised in Study Relevant Pleading by Study Group**

<b>Allegation made by either party regarding...</b>	<b>Shriver Representation</b>	<b>Comparison</b>
Domestic Violence	13 (59%)	10 (48%)
Mental Health	9 (41%)	10 (48%)
Child Abuse	9 (41%)	9 (43%)
Child Neglect	9 (41%)	9 (43%)
Substance Abuse	10 (46%)	10 (48%)
No Issues	5 (23%)	8 (38%)

*N*=43. Shriver representation *n*=22; Comparison *n*=21.

*Note.* More than one issue can be raised in a case, so percentages do not sum to 100%.

## **Outcome Area #1: Court Efficiency**

### ***How did study relevant pleadings ultimately resolve?***

Among cases receiving Shriver representation, half were settled before a hearing (50%; *n*=11), and roughly half (45%; *n*=10) were decided at hearing. In the comparison group, just under half (43%; *n*=9) of the cases were settled before a hearing, and just over half (52%; *n*=11) were decided at a hearing. [One case (5%) in both groups did not have child custody or visitation orders issued.] The rates of resolution did not differ between the two groups.<sup>45</sup> Table C41 displays the method of resolution for the study relevant pleading.

**Table C41. Method of Resolution of SRP by Study Group**

<b>SRP was resolved via...</b>	<b>Shriver Representation</b>	<b>Comparison</b>
Settlement before hearing	11 (50%)	9 (43%)
Decided at hearing	10 (45%)	11 (52%)
Other (no custody orders issued)	1 (5%)	1 (5%)

*N*=43. Shriver representation *n*=22; Comparison *n*=21.

*Note.* No statistically significant differences found across groups.

### ***Were there fewer hearings/continuances?***

Table C42 displays the average number of hearings that occurred for the study relevant pleading in both groups. All Shriver representation cases involved at least one hearing, whereas four comparison cases (19%) did not have a hearing. Among cases with Shriver representation,

<sup>45</sup>  $\chi^2(1) = .223, p = .758$

the average number of hearings was 2.8 (median = 2). Among comparison cases with at least one hearing for the SRP, the average number of hearings was 2.1 (median = 2). This difference was not significant.<sup>46</sup>

Table C42 also compares the number of continuances that occurred during the SRP in both study groups. Six (33%) Shriver representation cases did not involve a continuance, versus eleven (55%) comparison cases. Across cases with at least one continuance the average number of continuances was not significantly different between the groups (Shriver group mean = 2.0, range = 1 to 5; comparison group mean = 3.1, range 1 to 8).

**Table C42. Number of Hearings and Continuances per SRP by Study Group**

Court Events	Shriver Representation	Comparison
<b>Hearings</b>		
Cases with no hearings	0 (0%)	4 (19%)
Cases with at least one hearing	22 (100%)	17 (81%)
<i>Of those cases with at least one hearing, average number of hearings (SD)</i>	2.8 (1.7)	2.1 (1.3)
<b>Continuances</b>		
Cases with no continuances	6 (33%)	11 (55%)
Cases with at least one continuance	12 (67%)	9 (45%)
<i>Of those cases with a continuance, average number of continuances (SD)</i>	2.0 (1.4)	3.1 (2.4)

For Hearings  $N=43$ . Shriver representation  $n=22$ ; Comparison  $n=21$ .

For Continuances  $N=43$ . Shriver representation  $n=18$ ; Comparison  $n=20$ .

Note: Data for continuances was missing for 4 Shriver representation cases and 1 comparison case.

No statistically significant differences found across groups for hearings or continuances.

The proportion of different types of hearings was similar between the groups.<sup>47</sup> Across Shriver representation cases, there was a total of 61 hearings, and across comparison cases, there was a total of 35 hearings. In particular, more than three-fourths of the hearings in both groups were regular hearings, and about 13% were review hearings. Long cause and ex parte hearings were rare in both groups. Table C43 displays the type of hearings held for both study groups.

**Table C43. Type of Hearing by Study Group**

Hearing Type	Shriver Representation	Comparison
Regular	48 (79%)	27 (77%)
Review	8 (13%)	5 (14%)
Long Cause	1 (2%)	1 (3%)
Ex Parte	4 (7%)	2 (6%)
Total	61 (100%)	35 (100%)

Note. No statistically significant differences found across groups.

<sup>46</sup> Given the skewed distribution, a nonparametric test was used. Mann-Whitney  $U = 145.5$ ,  $p = .221$ .

<sup>47</sup>  $\chi^2(3) = 0.213$ ,  $p = .975$

### Were pleadings resolved faster?

Length is defined by the number of days between the filing of the study relevant pleading and the date of the order, judgment, or settlement that resolved the pleading. Table C44 shows the average length of time for a pleading between the two groups. On average, pleadings took between 5 and 6 months to resolve. For cases receiving Shriver representation, the average length was 167 days (median = 84). In the comparison group, the average length was 180 days (median = 92). This was not a statistically significant difference.<sup>48</sup>

**Table C44. Length of SRP (in days) by Study Group**

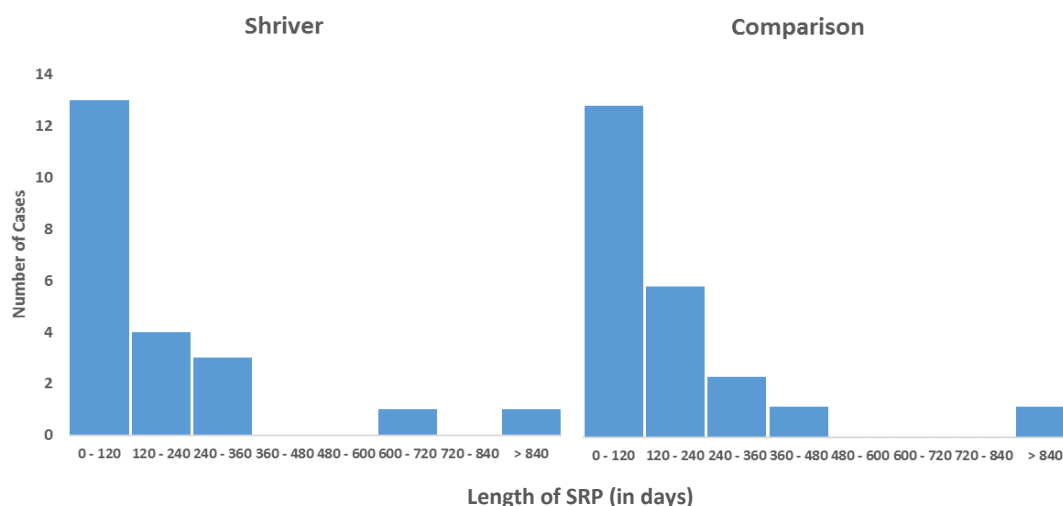
Number of Days from SRP Filing to Resolution	Shriver Representation	Comparison
Mean (SD)	167.1 (207.5)	179.6 (234.8)
Median	84	92
Range	0 - 840	23 - 1078

*N*=43. Shriver representation *n*=22; Comparison *n*=21.

*Note.* No statistically significant differences found across groups.

There was variability in the SRP length across cases. In particular, within both study groups, although the majority of pleadings were resolved within 6 months, a couple of cases took more than 2 years to resolve. These outlying values cause the mean SRP length to be higher than the median (Table C44). Practically speaking, it is important to note that very few cases had pleadings that lasted this long. Figure C8 shows the distribution of SRP length for both groups.

**Figure C8. Length of SRP (in days) by Study Group**



<sup>48</sup> Given the skewed distribution, a nonparametric test was used. Mann-Whitney U = 204.5, *p* = .696.

## Outcome Area #2: Case Events and Outcomes

### *What custody and visitation orders were issued for the study relevant pleading?*

The legal and physical custody orders issued at the SRP resolution are shown in Table C45. Regarding legal custody, joint legal custody was ordered for more than half of both groups—specifically, 55% of Shriver representation cases and 52% of comparison cases—and sole legal custody was awarded to the mother in about 30% of cases. No statistically significant differences existed in legal custody orders between the groups.<sup>49</sup>

With regard to physical custody, joint physical custody was less common. It was ordered for 32% of Shriver cases and 24% of comparison cases. Half or more of cases were resolved with sole physical custody awarded to the mother—specifically, 50% of Shriver cases and 57% of comparison cases. There were no significant differences in physical custody orders between the two study groups.<sup>50</sup>

**Table C45. Legal and Physical Custody Orders by Custody and Study Group**

Custody Orders at the SRP Resolution	Shriver	
	Representation	Comparison
<b>Legal Custody</b>		
Sole to Mother	7 (32%)	6 (29%)
Sole to Father	1 (5%)	2 (10%)
Joint	12 (55%)	11 (52%)
None/NA	2 (9%)	2 (10%)
<b>Physical Custody</b>		
Sole to mother	11 (50%)	12 (57%)
Sole to father	3 (14%)	2 (10%)
Joint	7 (32%)	5 (24%)
None/NA	1 (5%)	2 (10%)

*N*=43. Shriver representation *n*=22; Comparison *n*=21.

*Note.* No statistically significant differences found across groups for legal or physical custody.

Table C46 displays the visitation orders, by the physical custody orders, for both groups. Visitation essentially applies to the parameters of the timeshare of the non-custodial parent. For example, if sole physical custody was ordered to the mother, the visitation type refers to the parenting time arrangements for the father. In both group, orders for reasonable visitation were rare (only one comparison case was issued these orders). This may reflect the contentiousness between the parties and the court's perception of their inability to negotiate and sustain a mutually-coordinated arrangement.

In both groups, most non-custodial parents were awarded unsupervised visitation according to a schedule. In the Shriver representation group, 55% of non-custodial fathers and 67% of non-custodial mothers were awarded unsupervised, scheduled visitation, versus 75% and 100%, respectively, in the comparison group. The majority of the remaining non-custodial parents

<sup>49</sup>  $\chi^2(2) = 0.428, p = .807$ .

<sup>50</sup>  $\chi^2(2) = 0.478, p = .787$ .

were awarded supervised, scheduled visitation. This applied to 27% of non-custodial father and 33% of non-custodial mothers in the Shriver representation group, versus just one case in the comparison group. This likely reflects the high rate of serious issues in these families, such as domestic violence, child maltreatment, and substance use issues.

**Table C46. Visitation Orders by Physical Custody Ordered and Study Group**

Visitation Order	Shriver Representation			Comparison		
	Mom has Sole	Dad has Sole	Joint	Mom has Sole	Dad has Sole	Joint
Reasonable Visitation	0 (0%)	0 (0%)	0 (0%)	1 (8%)	0 (0%)	0 (0%)
Scheduled, Unsupervised	6 (55%)	2 (67%)	3 (43%)	9 (75%)	2 (100%)	2 (40%)
Scheduled, Supervised	3 (27%)	1 (33%)	0 (0%)	1 (8%)	0 (0%)	0 (0%)
None	1 (9%)	0 (0%)	3 (43%)	1 (8%)	0 (0%)	3 (60%)
Not Applicable	1 (9%)	0 (0%)	1 (14%)	0 (0%)	0 (0%)	0 (0%)
Total	11	3	7	12	2	5

***What were the physical custody orders, in relation to the physical custody requests?***

Examining the custody orders issued at the resolution of the study relevant pleadings, and inspecting differences between the Shriver and comparison cases, is informative. However, it is more informative to consider the custody orders in the context of what was requested and the representation status of the parties. Figure C9 displays the trajectories of physical custody requests and orders by study group. The top panel (green) shows the trajectories of Shriver representation cases, according to:

- *Shriver client*—which parent received Shriver representation;
- *Client’s role in the case*—namely, whether the Shriver client was the moving party (who prompted the pleading and requested something of the court) or the responding party (who may or may not have submitted counter request);
- *Requests made by the moving party regarding physical custody*—specifically, what the moving party asked the court to order (*Note:* Figure C9 does not show any requests made by the responding party);
- *Orders regarding physical custody*—specifically, the orders issued by the court for the study relevant pleading, including the determination of sole or joint custody and the custodial parent.

The bottom panel, in blue, displays case trajectories for pleadings in the comparison group. To enable a more suitable comparison to Shriver representation cases, the comparison cases are organized by parent gender and representation status. The first row shows the representation status of parents. (*Note:* Cases with unknown representation status are excluded from this figure.) The second row organizes cases according to the mother’s role in the case as either moving party or responding party. The last two rows (physical custody requests and orders) correspond to those in the Shriver representation cases panel.

Due to the very small sample sizes, these analyses are considered preliminary and exploratory. Readers should interpret them with caution.

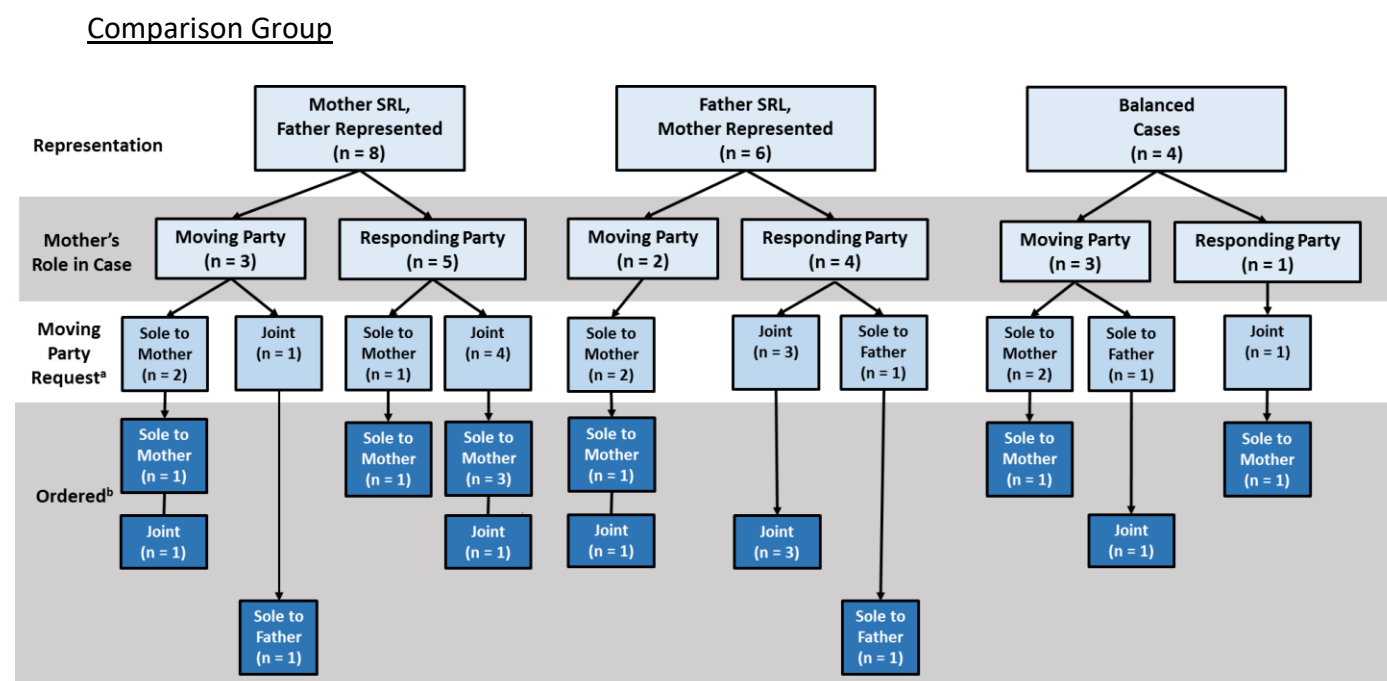
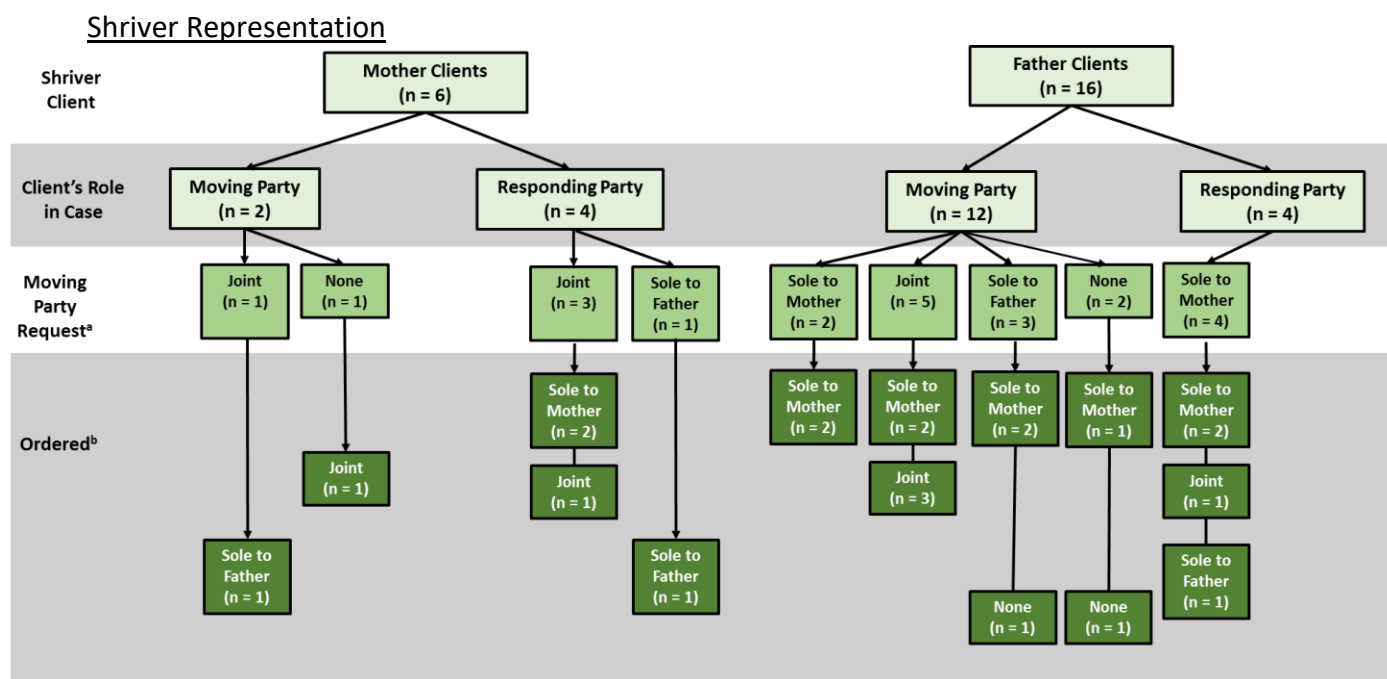
As shown in Figure C9, among the cases sampled for these analyses, fathers were the majority of Shriver clients (16 fathers and 6 mothers). Close to half (45%;  $n=10$ ) of the moving parties requested sole physical custody to one parent and 1% ( $n=9$ ) involved a joint physical custody request. Cases in the comparison group show a similar pattern, with half of cases (50%,  $n=9$ ) involving a sole physical custody request from the moving party and the other half (50%,  $n=9$ ) involving a joint physical custody request from the moving party.

In Shriver representation, fathers were the Shriver client and the moving party in twelve cases. Three fathers requested sole custody for themselves (none of them were awarded sole custody), five requested joint custody (three of them were awarded joint custody), and two requested sole custody for the mother (which was awarded both times). (Two fathers made requests in the pleading that did not pertain to custody.) Fathers were the Shriver client and the responding party in four cases. In all four cases, the mother (who was the moving party) requested sole custody for herself. At resolution, sole custody was awarded to the mother twice, to the father once, and joint custody was awarded once.

In the comparison group, there were six cases in which the father was self-represented and facing a mother with an attorney. In four of these cases, the father was the moving party. Of these, three fathers requested joint custody (which was ordered all three times), and one requested sole custody for himself (which was ordered). In two cases, the father was the responding party, and the mother requested sole physical custody for herself. At resolution, one case resolved with sole custody to the mother and one resolved with joint custody.



Figure C9. Physical Custody Requests and Orders by Study Group



Note. Figure is oriented to the mother in each case—figures show outcomes when mother was moving party or responding party.

<sup>a</sup>Custody arrangements requested in study relevant pleading (SRP) by the moving party.

<sup>b</sup>Custody arrangements at case close, either settled or court ordered.

***What additional orders were issued at the resolution of the study relevant pleading?***

Custody cases may involve mitigating factors that influence the custody orders, such as domestic violence, mental health, and substance abuse. (Recall from Table C40 that allegations of mental health, substance abuse, or child abuse/neglect were common in the SRP.) In custody cases, parties can request, and the court can issue, additional orders that pertain to the custody arrangement or the best interests of the child.

Despite the prevalence of allegations in the pleadings, additional court orders were rare (see Table C47). The majority of Shriver representation cases (86%) involved no additional orders. Of those with additional orders, one case involved an order for therapy/mental health treatment for both parents, one case involved reunification therapy for the father, and another case involved a restraining order to protect the mother. In the comparison group, 67% ( $n=14$ ) did not involve any additional orders. Of those with additional orders, one case involved therapy ordered for the mother, two cases had restraining orders issued to protect the mother, and two cases had parenting classes ordered for the father (one of which had joint physical custody ordered and the other had sole physical custody awarded to for the mother). The proportion of pleadings with additional orders did not significantly differ between the study groups.<sup>51</sup>

It is possible that few additional orders were given as part of the custody pleading because these issues were being addressed in a separate court case (e.g., domestic violence). This is plausible, particularly given the higher rates at which the court ordered the non-custodial parents in Shriver cases to have supervised visitation. It may also be due to the general lack of resources of this nature for low-income people; the court may be cautious of referring parents into services that they cannot afford.

**Table C47. Additional Court Orders for the SRP by Study Group**

<b>Additional Court Orders</b>	<b>Shriver representation</b>	<b>Comparison</b>
Parenting Class	0 (0%)	2 (10%)
Therapy/Mental Health treatment	1 (5%)	1 (5%)
Substance Abuse Counseling	0 (0%)	0 (0%)
Restraining Order	1 (5%)	2 (10%)
Other	1 (5%)	2 (10%)
No other orders	19 (86%)	14 (67%)

$N=43$ . Shriver representation  $n=22$ ; Comparison  $n=21$ .

*Note:* Percentages may not sum to 100% because more than one additional order could be issued in a case.

No statistically significant differences found across groups.

## Summary

To assess the potential impact of the Shriver pilot custody project in San Francisco, a pre-existing sample of cases, recruited by JDC legal aid staff before the evaluation started, was used. This sample included 22 cases that received Shriver representation and 21 comparison

<sup>51</sup>  $\chi^2(1) = 2.336, p = .126$

cases that did not receive Shriver service. For all 43 cases, data were gathered via a review of the individual court case files and reflect a single pleading that involved sole custody.

The Shriver pilot project assisted both moving parties and responding parties. The majority of San Francisco clients were fathers, likely because low-income women who experienced domestic violence had other resources available to them through which they were able to acquire counsel, which then rendered the father eligible. Relative to the comparison group, a larger proportion of Shriver representation cases involved allegations of domestic violence (59% versus 48%). Combining all allegations recorded—domestic violence, child maltreatment, substance use, or mental health issues—more Shriver cases (77%) included at least one issue than did comparison cases (62%), which may reflect extant family dysfunction and disharmony.

Determining whether Shriver representation resulted in better custody outcomes was very difficult. The rates of sole and joint custody orders did not appear to differ significantly between the study groups, but it was not possible for the analysis to take into consideration all of the potential mitigating factors in these decisions. For both study groups, the study relevant pleadings ended with more than half (55% of Shriver and 52% of comparison) of cases being awarded joint legal custody. Regarding physical custody, the study relevant pleadings ended with roughly 30% of both study groups awarded joint custody and half of mothers awarded sole custody (50% of Shriver cases and 57% of comparison cases).

Despite the difficulty in determining differences in custody orders, some differences between cases that received Shriver representation and comparison cases emerged. That said, early indications include:

- **Settlement:** Although the difference was not statistically significant, a greater proportion of Shriver representation cases (50%) were resolved through a settlement before court hearings than of comparison cases (43%).
- **Time to resolution:** Although the difference was not significant, on average, the pleadings of Shriver representation cases were resolved more quickly (mean = 167 days, median = 84) than were the pleadings among comparison cases (mean = 180 days, median = 92).
- **Hearings:** Shriver representation cases were more likely to involve hearings. All Shriver representation cases had at least one hearing for the study relevant pleading, while 19% of comparison cases resolved without a hearing.
  - On average, among cases with at least one hearing, Shriver representation cases involved three hearings per pleading (mean = 2.8), versus two hearings for comparison cases (mean = 2.1).
- **Continuances:** Shriver representation cases were more likely to involve continuances. One third (33%) of Shriver representation cases resolved without a continuance, versus 55% of comparison cases.
  - On average, among cases with at least one continuance, Shriver representation cases involved two continuances per pleading (mean = 2.0) and comparison cases involved three (mean = 3.1).

Shriver representation cases had a higher likelihood of involving hearings and continuances, as opposed to the comparison group; however, Shriver case pleadings tended to be resolved earlier than those of comparison cases and may be more likely to settle. Despite these minor differences in court events and time to resolution, the legal and physical custody outcomes did not appear to vary widely.

Relative to the comparison group, there was a higher proportion of non-custodial parents in Shriver cases who were awarded supervised visitation, which aligns with the higher proportion of Shriver cases that involved allegations of dangerous conditions (e.g., violence, substance use). These elements suggest that the court may have identified additional concerns among these families. From this lens, it is perhaps understandable that additional hearings would be necessary and perhaps laudable that the proceedings were not protracted as a result.

These findings are based on a very small sample of clients, and random assignment to study groups was not possible to implement. Very small sample sizes can make it difficult for statistical tests to reach conventional levels of significance. Thus, some of the differences in this section may have reached statistical significance with a larger sample. On the balance small sample sizes can also cause difficulty with generalizability—that is, the small subset of cases may not adequately reflect the larger population it is meant to represent. Gathering data on additional cases could result in different estimates. Therefore, these findings should be considered preliminary, the analysis exploratory, and the results interpreted with caution.

## Shriver Custody Pilot Projects

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### Stakeholder Perceptions

***Shriver client “Lucinda.”***

*When Lucinda first sought help from the Shriver project, there was an action for Dissolution of Marriage filed, but no previous custody orders in place. Her former husband filed a motion for sole legal and physical custody, claiming that Lucinda was withholding the children and brainwashing them. The Shriver project prepared a response for Lucinda to explain that the father’s strained relationship with his children was due to his own actions. Parties participated in a Shriver Settlement Conference and reached a full stipulation for joint legal custody and primary physical custody to Lucinda, with therapeutic visitation to the father. As a monolingual Spanish speaker, Lucinda would have struggled to navigate the court system and deal with an aggressive opposing counsel, had she not been represented by a Shriver attorney.*



## STAKEHOLDER PERCEPTIONS

During a round of telephone interviews conducted in 2015, stakeholders at all three pilot custody projects were asked about the impacts they perceived the Shriver pilot projects having had on litigants, the court, and the community. This section presents a summary of their responses, presented separately for legal aid services agency staff and court staff.

### Methodology

#### SAMPLE

Legal aid services agencies. Interviews were conducted with five legal services representatives from the three custody projects. These representatives included staff from legal aid services agencies that provided direct Shriver services to clients. This included one person in Los Angeles County, three in San Diego County, and one in San Francisco County.

Superior courts. Interviews were conducted with six court staff. This included one person in Los Angeles County, four in San Diego County, and one in San Francisco County.

#### ANALYTIC APPROACH

Interview questions about the project impacts were open-ended and responses were captured as close to verbatim as possible during the phone interview (none were audio-recorded). Responses were then summarized to represent the main themes articulated by the interviewees. Data were analyzed separately for respondents from legal aid services agencies and from the court.

### Legal Aid Services Agencies Staff Perceptions of Project Impacts

#### IMPACT OF SHRIVER CUSTODY PILOT PROJECT GENERALLY

Overall, legal services staff felt that the services provided by the Shriver pilot project helped to increase collaboration and reduce contentiousness between parties, which in turn positively impacted the parents by calming their disputes and educating them on the legal process, the children by reducing the interparental conflict to which they are exposed, and the court by improving information flow, efficiency, and the likelihood of settlement.

One respondent explained that when both sides of a custody dispute are represented, communication happens between attorneys, which decreases the amount of direct conflict between litigants, which eases overall tensions. Further, knowledgeable intervention through the legal system can offset other, more intensive system responses and can preserve the ability for parents to negotiate. One interviewee stated that if parents are in a panic, but decide to call their Shriver attorney for help before calling Child Protective Services or before an “abduction happens... it’s a good thing because it cuts down on public drama and stipulations are way up.”

#### IMPACT ON PARTIES

Legal aid services staff felt that the pilot project had the most pronounced impacts on the parents and children. This involved the importance of support and education for parents, which improved parents’ perception of fairness, and benefits to children of calming interparental tension.

Interviewees explained that the custody court process is intimidating and unfamiliar for parents and having the support and expertise of an attorney helped reduce stress and make the process more manageable. Having legal representation meant that parents did not have to try to “figure everything out on their own.” Also, given the highly charged emotional setting, litigants without counsel often behave in ways that make it harder for them to effectively plead their case, thus they obtain little to no satisfaction with the outcome. A legal services agency representative explained, “Some of the cases are in a situation where the client got themselves in a bad position because they were representing themselves and now they are digging themselves out.” Interviewees noted that an attorney can help rectify, or prevent, these situations. They also felt that parents were more likely to achieve their case goals when represented.

Respondents described the positive impact of litigants being educated by their attorneys on the legal process and reasonable expectations in their cases. “Having representation on both sides improves matters due to the education aspect alone,” said one interviewee. When parents are knowledgeable, they generally feel more empowered during the process and more amenable to accept the outcome of the case. This can also benefit the court because these litigants are less likely to challenge the orders by filing another pleading. At least for the custody aspect of the family law case, interviewees felt that the court has less to do when attorneys were involved.

The impact of Shriver services on the children was also underscored by legal services interviewees. One respondent explained that having legal representation on both sides can help increase collaboration, and successful collaboration can foster subsequent co-parenting efforts, which require a good deal of communication where there may be only anger at first. “If they collaborate, the litigants are reducing harm to themselves and harm to their children.”

Finally, interviewees felt that represented opposing parties also benefited. Respondents believed that opposing counsel was likely pleased when there was legal representation on both sides, because “it calms down the situation quite a bit.” This can increase collaboration and efficiency, and it also makes the need to return to court due to legal technicalities less likely.

## **IMPACT ON THE COURT**

Concerning the Shriver pilot project’s impact on the courts, legal aid services interviewees felt that judges prefer to deal with lawyers rather than parents who are trying to muddle their way through self-representation. One interviewee recognized the challenge of navigating the court system and explained, “It’s harder for that person to keep up with the legal documents coming at them.” Further, interviewees reported that having attorneys present influences courtroom behavioral standards, which may consequently impact court decisions. One respondent explained that, without counsel, parents can resort to “interrupting or yelling at the judge. They just don’t conduct themselves well in the courtroom,” and that this type of behavior can hurt their case, even though it is not necessarily an indication that they are bad parents.

Legal services interviewees mentioned that custody cases could go on “forever,” when one or both sides are self-represented. Interviewees thought that having representation on both sides increased efficiency and cut down on the need for hearings.

Lastly, respondents from the San Diego project noted that the way the Shriver settlement conferences were implemented improved the information available for the judge to make an informed decision and produced more durable orders. One interviewee explained that the



settlement conferences allowed a “full airing of all the issues and the facts came to light so that the court had really good credible information to make its decision. You have a much better chance of getting that when you have an attorney on the case.” Other respondents felt that the settlement conferences resulted in fair decisions with buy-in from parties, which would curtail the number of people returning to the court system “over and over again.”

### **ADDITIONAL NEEDS NOTED BY PROJECT STAFF**

Some legal services staff thought that there was a broader need for legal services for low-income families involved in custody cases than what the Shriver project was able to address. They felt the statutorial eligibility requirements were too restrictive. In particular, the statute required that, for a parent to be eligible for Shriver services, she must have an income at or below 200% of the Federal Poverty Level, be facing an opposing party with legal representation, and have a case with sole custody at issue. Legal services staff explained that, in practice, if one parent is poor enough to meet the income eligibility requirements, then the opposing party is often similarly poor and therefore unable to retain counsel. Thus, enforcing both the income requirement and the opposing party representation requirement excluded many low-income families that would have benefitted from services.

Further, some legal services staff were concerned that the sole custody requirement also screened out families who would have otherwise been suited for service. Interviewees described dismay when they were unable to provide assistance to parents embroiled in contentious custody cases, because no one was explicitly asking for sole legal or physical custody. These staff also felt it would be helpful to expand the legal issues targeted for their services to things such as divorce and child support.

## **Superior Court Staff Perceptions of Project Impacts**

### **IMPACT OF SHRIVER CUSTODY PILOT PROJECT GENERALLY**

When asked about the impacts of the Shriver project, court staff members’ responses echoed those of the legal services staff. Court staff felt that, in general, judges preferred when there were attorneys on both sides of a case, because their familiarity with the rules of the legal process makes the case proceed more smoothly. One interviewee explained, “When you have people who aren’t attorneys and they are thrown into this process not knowing the rules, it’s like being thrown into a basketball game and not knowing the rules and not knowing where to shoot the ball. You’re scoring points for the other team.” Further, when the attorneys are involved, they can help explain to their clients what the rules are and what is transpiring with the case, and they can also help manage the emotional tone of the situation and assist in alleviating anxiety. “It’s just educating people,” said one respondent. Another interviewee felt Shriver services reduced the number of cases that needed to be heard by the court by increasing the likelihood of pre-hearing settlements. Finally, interviewees thought that, if litigants felt empowered in the decision process for their children, they would be less likely to return to court.

## **IMPACT ON PARTIES**

Court staff described that Shriver representation provided support and information to parents, ensured their full and active participation in the custody case, and supported fairer judgments and more efficient proceedings, which benefitted the families and the court.

One respondent stated that having a Shriver attorney “gives [litigants] an opportunity to participate fully in the proceedings and voice their opinions.” Because of their expertise, attorneys are able to ensure their client’s side is adequately represented by making appropriate requests, like for a trial, or understanding the confines of the legal process—for example, if a parent wants to present information to the judge, but the opposing party’s counsel objects, an attorney will understand how to handle this, whereas a self-represented litigant would not. Overall, having an attorney enables parents to more fully participate in their proceedings and more thoroughly present their side of the case, which improves the information available to the judge on which to base a decision. One interviewee commented, “I think [Shriver] results in a much fairer process and there is a lot more information that’s communicated in court.”

Interviewees acknowledged that custody cases are complex, involve many actions, and that it takes a good deal of time to follow the rules of evidence. Court staff explained that, for self-represented litigants, custody proceedings are often “...difficult, because they don’t understand the rules of civil procedure, evidence and the family code.” This lack of knowledge can cause errors and inefficiencies that slow the proceedings and frustrate parents. “Sometimes it’s as basic as not getting the other parties served properly, so they come back to court on multiple occasions. It’s a very frustrating process for [litigants].” Having an attorney on both sides largely remedies these types of hiccups.

Court staff felt that having more efficient proceedings benefitted the children. One interviewee noted that “the sooner a case is resolved, the better it is for the family and the kids—and it’s not still in the court.” Another respondent explained that “custody issues are not something that just go away. It’s something that deeply affects the litigants and children.” Especially in highly contentious cases, stakeholders felt that the sooner the parties collaborated and came to a resolution, the more beneficial it was for the children.

## **IMPACT ON THE COURT**

The overall impact on the court is a positive one, in the court staff’s view, because having representation makes the courtroom run more efficiently and fairly. One respondent also expressed that the court clerks and staff are grateful for the resources and to have a place to refer low-income, self-represented litigants for assistance.

Self-represented litigants can often inadvertently prolong their pleadings because they do not know what they are doing. Court staff interviewees explained that there are, by design, long periods between different points in a custody case. For example, when temporary orders are given, the court generally provides a 3-month period before holding a review hearing to determine whether the orders are appropriate. Self-represented litigants who are unfamiliar with the process may not understand that some of these delays are standard and purposeful and may return to court unnecessarily. When parents have counsel, rather than returning to court to file for an emergency order or modification right away, they can consult their attorney,

who has the skills to analyze the situation and to direct the client on the best and most appropriate course of action. This yields more informed litigants and more efficient courts.

An interviewee at one court thought the court culture had not necessarily been impacted by the Shriver project, because that court already encouraged mediation and settlement prior to the Shriver project starting. However, this interviewee described a shift in the manner and rate at which settlements occurred. In particular, this respondent reported that, with Shriver counsel involved, parties were more often collaborating in less formal settings to reach an agreement, as opposed to using the rules of evidence in a courtroom to try and convey a convincing story that can take a long time to tell followed by the judge's decision.

#### **ADDITIONAL NEEDS NOTED BY PROJECT STAFF**

When asked about unmet needs, court staff responses were aligned with those of legal aid services agency staff. Specifically, court staff felt that families' needs for legal services were broader than just child custody and visitation, and that families would benefit from having assistance from attorneys on other aspects of their family law cases. One respondent lamented, "Shriver attorneys are only permitted to represent the custody and visitation portion of the cases. However, the opposing party has an attorney for the remainder of the case." This respondent felt that positive outcomes realized by having representation for the custody/visitation portion of the case, could be extended to other pressing family law matters.



## Shriver Custody Pilot Projects

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### Cost Study

#### **Shriver client “Ophelia.”**

*Ophelia is a 33-year-old Nigerian woman who was granted asylum in 2013 due to the extreme domestic violence she faced from her husband in Nigeria. The parties had been married in 2005, and the husband physically and emotionally abused Ophelia for eight years, leading to hospitalizations, miscarriages, and post-traumatic stress disorder. In 2016, her husband was able to find out where Ophelia and her two children were living, and filed to have the "abducted" children returned to Nigeria immediately. The Shriver Project helped Ophelia to secure sole legal and physical custody of her children while successfully defeating the father's motion to have the case moved to the Nigerian court system. The initial hearing regarding the father's motion to quash Ophelia's Summons/Petition (for the California case) involved extensive briefing regarding issues of international jurisdiction and competing venues. After successful argument regarding the California court's rightful jurisdiction over custody (and the marriage itself), Ophelia obtained the custody orders she sought, and the father's access to the children was restricted. Currently, the father has no visitation. The attorneys for the Shriver Project successfully argued that therapy for the children should begin and proceed for a time until the therapist decides the children are ready to re-establish contact with their father. If and when that time comes, the first contact would be in a supervised setting, most likely handled by a specialist in reunification therapy that the Shriver Project staff found who would be willing to work with the family on a sliding scale. The Shriver Project attorney was also able to find pro bono counsel to handle Ophelia's dissolution proceedings and any other non-custodial issues not covered by the Project.*



## COST STUDY

Cost analysis is used to determine the **investment** that has been made in a particular program or service and whether the program has had an economic **impact** on the communities, systems, and agencies involved directly or indirectly with the services provided and the populations served. In other words, what did the program cost and did the program result in cost savings due to the services provided? The purpose of this cost analysis is to establish the costs and savings related to providing legal aid services and court-based services to low-income parents in contentious child custody cases. Unlike some other studies, funds used to provide legal services were counted as costs (rather than as benefits to the state or staff who were employed), while savings constituted any reduction in taxpayer costs attributable to the outcomes associated with attorney representation or court-based services. Information was gathered to ascertain whether Shriver service led to any difference in short-term outcomes associated with court efficiency or longer term outcomes related to broader system costs.

The cost study estimates the **annual costs** and savings related to Shriver service provision. The reader may extrapolate longer term costs and savings as appropriate. Cost analyses focused on the fiscal year spanning 10/1/2013 to 9/30/2014 (FY2014). This year was chosen because Shriver services at all three projects were fully operational during this time.

### Methodology and Analytic Approach

The cost study seeks to address the following three questions:

#### ***Cost Question #1: What were the estimated costs of the Shriver custody pilot projects?***

This question was addressed by reviewing the invoices submitted to the Judicial Council (JC) as part of project implementation by the legal aid services agencies (legal aid services program costs) and the Superior Courts (court-based services program costs). This information was used to calculate an estimate of the cost per case served by each entity.

**Analytic Approach:** Program costs for Shriver services were estimated separately for each of the three pilot projects. Estimates were derived using the available information sources to reflect the cost for 1 year. Two estimates of per case costs were calculated and both are presented.

- **Total Program Costs.** Total program costs were calculated as the total amount invoiced to the JC for FY2014<sup>52</sup> and are delineated for different levels of Shriver-funded staff.
- **Per Case Costs.** Estimates of the cost per case were derived two ways: (1) dividing the total invoiced amount for FY2014 by the number of cases served in FY2014, recorded in the program services database, and (2) multiplying the average<sup>53</sup> number of attorney hours per case, from the program services database, by the loaded attorney rates.<sup>54</sup>

<sup>52</sup> The total amount invoiced was compared to the total contracted amount in the project proposal. These amounts were the same in nearly every case; differences are noted in the text when found.

<sup>53</sup> Calculations were conducted using mean and median values.

<sup>54</sup> The loaded rate included non-attorney staff time and other agency costs. This rate was established in the contract between legal aid services agencies and the Judicial Council and is lower than a typical hourly rate.

- *Per Case Program Costs By Level of Service.* Estimates of the costs per case by level of service (representation versus unbundled services) were derived two ways: (1) dividing the FY2014 invoiced amount by the number of cases served in FY2014, as reported in the program services database, adjusted to account for the level of effort (i.e., relative number of attorney hours) for each level of service (see Appendix C for detailed calculations), and (2) multiplying the average<sup>55</sup> number of attorney hours for each service level in the program services database by the loaded attorney rates.

*[Note about estimated costs per case. Across projects, there was a range between the two calculations of per-case cost. The second estimate, based on the program services database information, is based on the hours spent by the staff attorneys working on cases. The first estimate, based on invoiced amounts, also includes costs associated with supervising attorneys (who did not log hours in the program services database) and time spent by staff attorneys doing other background and supportive work.]*

***Cost Question #2: Does the provision of Shriver services improve court efficiency? Do these efficiencies result in cost savings for the court?***

Analyses examined the costs (e.g., amount of staff time spent on task, staff salaries) associated with various court activities (e.g., hearings, trials) involved in processing a custody pleading and compared the frequency of these activities between cases that received Shriver services and those that did not. This analysis was possible for one project (San Diego) that had comparative study groups of sufficient size and time estimates for court staff for case activities. The intent was to understand whether the provision of Shriver services resulted in increased efficiencies in case processing or other areas of court functioning (including requests to modify existing custody orders), and thereby potential cost savings to the court.

Sometimes cost benefits can be understood in terms of *opportunity resources*. The concept of opportunity cost from the economic literature suggests that system resources are available to be used in other contexts if they are not spent on a particular transaction. The term *opportunity resource* describes the resources that become available for different use. For instance, if legal services available to clients increase the number of custody pleadings that end in pre-trial settlement, thus reducing the number of trials, an opportunity resource is afforded to the court in the form of clerk and judge time available for other cases.

Analytic Approach: These cost analyses compared the two groups of cases from San Diego analyzed in the outcome study (see earlier Case Outcomes Study section): (1) cases in which one party received representation by a Shriver attorney and (2) comparison cases that did not receive Shriver services. Indicators of court efficiency, such as relative rates of settlements and hearings, were calculated for the groups and the associated costs were estimated.

***Cost Question #3: Are Shriver services related to potential cost savings beyond the court? What costs to the system may be avoided or reduced as a result of Shriver services?***

Information was gathered to explore potential savings to the broader system or in the longer term. In most cases, these possible savings could not be verified empirically, because the data were unavailable, primarily because the longer term outcomes had not yet occurred (e.g., the

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<sup>55</sup> Calculations were conducted using mean and median values.



impact of parental separation and conflict on longer term health outcomes children). Therefore, this question is addressed through a review of the literature.

## **INFORMATION AND DATA SOURCES**

Information used to develop cost estimates was gathered from the Judicial Council, the legal aid services agencies, Superior Court staff, and online resources. Data sources included:

- The Judicial Council provided program invoices for the fiscal year spanning 10/1/2013 to 9/30/2014 (FY2014) for both legal aid service agencies and for Superior Courts.
- Superior Court staff in San Diego County provided staff titles and related tasks for custody cases. Salaries, benefits, indirect support rates, and jurisdictional overhead rates used to calculate the cost per hour for each staff person were located via online budget resources.
- Superior Court staff in San Diego County provided time estimates for court activities related to custody case processing.

Additional data were used to calculate the frequencies of various indicators for the three projects and for the two comparative study groups. These included:

- For all three pilot projects, the program services database provided the number of cases that received legal aid services in FY2014, total number of attorney hours, and average number of hours per case.
- For the San Diego pilot project, court case file review data provided characteristics and outcomes for cases that received Shriver representation and comparison cases that did not receive Shriver service.



## What were the estimated costs of the Shriver custody pilot projects?

### COSTS FOR SERVICES AT THE LOS ANGELES CUSTODY PILOT PROJECT IN FY2014

#### *Legal Aid Services Program Costs*

**Total Program Cost.** Los Angeles Center for Law and Justice’s (LACLJ) contract with the Judicial Council (JC) allocated \$818,655 for the Shriver pilot project in FY2014. The total amount invoiced was \$792,874 (see Table C48). Of this, \$43,343 was spent on contract services to clients (e.g., language interpretation services), \$9,554 on contract services to programs, and the remaining \$739,977 was spent on direct legal aid services to clients. This amount includes costs for casework by staff attorneys and oversight by supervising attorneys, at both LACLJ and, their agency partner, Levitt & Quinn. According to the program services database, during FY2014, LACLJ and L&Q attorneys worked a total of 3,642 hours on Shriver custody cases.

**Table C48. Legal Aid Services Program Cost Estimates in FY2014 – Los Angeles**

Invoice Components	Amount
Contract Services to Clients	\$43,343
Contract Services to Programs	\$9,554
Direct Services to Clients <sup>a,b</sup>	\$739,977
<b>Los Angeles Pilot Project invoice total (LACLJ)</b>	<b>\$792,874</b>
<b>Los Angeles Pilot Project Allocation</b>	<b>\$818,665</b>

<sup>a</sup>Direct services costs included estimated costs for attorney time listed on project invoices. For Los Angeles, this included one part-time supervising attorney, and three full-time staff attorneys.

<sup>b</sup>Direct services provided by partner agencies include staff attorney hours from Levitt and Quinn.

**Overall Per Case Cost.** As shown in Table C49 (bottom row), the average amount spent per case by legal aid services agencies at the Los Angeles pilot project was between \$1,528 and \$5,324. The total invoiced amount (\$739,977) for legal aid services divided by the number of cases (139) yielded an average of \$5,324 spent per case. When the cost per case was calculated by multiplying the mean number of attorney hours per case by the loaded attorney hourly rate, this yielded an estimated per case cost of \$3,337. When this calculation was done using the median number of attorney hours per case, it yielded an estimated per case cost of \$1,528.

**Per Case Cost by Level of Service.** Table C49 (first and second rows) shows the average cost per case taking into account the level of service provided. The average amount spent per representation case was between \$3,438 and \$9,143 and the average amount spent per unbundled services case was between \$446 and \$1,219. When the total amount invoiced for legal aid services (\$739,977) was divided by the number of cases at each service level, it yielded an average cost of \$9,143 per representation case and \$1,219 per unbundled services case. For representation cases, when the cost per case was calculated by multiplying the mean number of attorney hours by the loaded attorney hourly rate, this yielded an estimated per case cost of \$5,731; when this calculation was done using the median number of attorney hours per case, it yielded an estimated per case cost of \$3,438. For unbundled services cases, when the cost per case was calculated using the mean number of attorney hours, this yielded an estimated per



case cost of \$764; when this calculation was done with the median number of attorney hours, the cost per case was \$446.

*Note on the calculations for cost per case:* Estimates derived from the invoiced amount (left side of the table) included hours worked by supervising attorneys and hours spent by staff attorneys doing background and supportive work, in addition to their direct case work. Estimates derived from the program services database (right side of the table) pertain only to time spent by staff attorney working on cases.

**Table C49. Average Estimated Cost to Provide Legal Aid Services per Case  
in FY 2014 – Los Angeles**

Invoice			Program Services Data and Contracted Hourly Rate			
Level of Service	Number of Cases <sup>a</sup>	Average Cost per Case <sup>b</sup>	Average Hours per Case <sup>c</sup>	x	Atty Hourly Rate <sup>d</sup>	= Average Cost per Case
Reprstn.	72	\$9,143	Mean 45.0		\$127.35	\$5,731
			Median 27.0		\$127.35	\$3,438
Unbundled Svcs.	67	\$1,219	Mean 6.0		\$127.35	\$764
			Median 3.5		\$127.35	\$446
All Cases	139	\$5,324	Mean 26.2		\$127.35	\$3,337
			Median 12.0		\$127.35	\$1,528

<sup>a</sup> Number of cases opened in FY 2014, receiving each service, as recorded in the program services database.

<sup>b</sup> See Table CA39 in Appendix C for full calculations.

<sup>c</sup> Mean and median number of attorney hours spent on cases opened in FY2014, by service level, as recorded in program services database.

<sup>d</sup> Loaded hourly rate established in contract with Judicial Council.

### ***Court-Based Services Costs***

The Los Angeles Superior Court (LASC) was allocated \$99,985 to provide services for custody cases. The total invoiced amount was \$6,213. The number of litigants served by the court-based services was unavailable, thus a cost per case could not be determined.

**Table C50. Estimated Costs for Court-Based Services in FY2014 – Los Angeles**

Allocation <sup>a</sup>	LASC invoice		Services provided
	total <sup>b</sup>	Total # served <sup>c</sup>	
\$99,985	\$6,213	Unknown	Parenting class

<sup>a</sup> Amount in contract for court-based services for FY 2014.

<sup>b</sup> Amount invoiced by the Superior Court for custody services provided in FY 2014.

<sup>c</sup> Court-based services in Los Angeles did not track the number of cases served.

## **COSTS FOR SERVICES AT THE SAN DIEGO CUSTODY PILOT PROJECT IN FY 2014**

### ***Legal Aid Services Program Costs***

**Total Program Cost.** Legal Aid Society of San Diego (LASSD) operated two Shriver pilot projects, one for housing and one for child custody.<sup>56</sup> LASSD's contract with the Judicial Council (JC) involved a lump sum allocation for both projects, totaling \$2,213,521 for FY2014, and the total amount invoiced for this time period was \$2,040,530. Of this, \$1,624,217 was invoiced for the housing pilot project and \$416,313 was invoiced for the custody pilot project (see Table C51).

Of the \$416,313 invoiced for the custody project, \$1,862 was spent on contract services to programs and \$414,451 on direct legal aid services to clients provided by San Diego Volunteer Law Project (SDVLP). This amount includes costs for casework by staff attorneys and oversight by supervising attorneys and the agency CEO. According to the program services database, during FY2014, SDVLP attorneys worked a total of 1,662 hours on Shriver custody cases.

**Table C51. Legal Aid Services Program Cost Estimates in FY2014 – San Diego**

<b>Invoice Components</b>	<b>Amount</b>
Contract Services to Programs	\$1,862
Direct Services to Clients <sup>a</sup>	\$414,451
<b>Custody invoice total (SDVLP)</b>	<b>\$416,313</b>
Housing invoice total (LASSD)	\$1,624,217
San Diego Pilot Project invoice total (Housing and Custody)	\$2,040,530
<b>San Diego Pilot Project Allocation</b>	<b>\$2,213,521</b>

<sup>a</sup>Direct services costs included estimated costs for attorney time listed on project invoices. For San Diego, this included one full-time CEO, one full-time supervising attorney, and three full-time staff attorneys.

**Overall Per Case Cost.** As shown in Table C51 (bottom row), the average amount spent per case by the legal aid services agency in San Diego was between \$257 and \$2,813. The total invoiced amount for SDVLP legal aid services (\$414,451) divided by the number of cases served (148) yielded an overall average of \$2,800 spent per case. When the cost per case was calculated by multiplying the mean number of attorney hours per case by the loaded attorney hourly rate, this yielded an estimated per case cost of \$1,276. When this calculation was done using the median number of attorney hours per case, it yielded an estimated per case cost of \$341.

**Per Case Cost by Level of Service.** Table C51 (first and second rows) shows the average cost per case taking into account the level of service provided. The average amount spent per representation case was between \$2,274 and \$7,418 and the average amount spent per unbundled services case was between \$341 and \$718. When the total amount invoiced by SDVLP (\$414,451) was divided by the number of cases at each service level, it yielded an average cost of

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<sup>56</sup> Although LASSD was the entity contracted for the housing and custody pilot projects, San Diego Volunteer Lawyer Program (SDVLP) provided the legal services for the custody project.



\$7,418 per representation case and \$718 per unbundled services case. For representation cases, when the cost per case was calculated by multiplying the mean number of attorney hours by the loaded attorney hourly rate, this yielded an estimated per case cost of \$3,525; when this calculation was done using the median number of attorney hours per case, it yielded an estimated per case cost of \$2,274. For unbundled services cases, when the cost per case was calculated using the mean or median (values were equal) number of attorney hours, this yielded an estimated per case cost of \$341.

*Note on the calculations for cost per case:* Estimates derived from the invoiced amount (left side of the table) included hours worked by supervising attorneys and hours spent by staff attorneys doing background and supportive work, in addition to their direct case work. Estimates derived from the program services database (right side of the table) pertain only to time spent by staff attorney working on cases.

**Table C52. Average Estimated Cost to Provide Legal Aid Services per Case  
in FY2014 – San Diego**

Invoice			Program Services Data and Contracted Hourly Rate			
Level of Service	Number of Cases <sup>a</sup>	Average Cost per Case <sup>b</sup>	Average Hours per Case <sup>c</sup>	x	Atty Hourly Rate <sup>d</sup>	= Average Cost per Case
Reprstn.	46	\$7,418	Mean 31.0		\$113.72	\$3,525
			Median 20.0		\$113.72	\$2,274
Unbundled Svcs.	102	\$718	Mean 3.0		\$113.72	\$341
			Median 3.0		\$113.72	\$341
All Cases	148	\$2,800	Mean 11.2		\$113.72	\$1,276
			Median 3.0		\$113.72	\$341

<sup>a</sup> Number of cases opened in FY 2014, receiving each service, as recorded in the program services database.

<sup>b</sup> See Table CA40 in Appendix C for full calculations.

<sup>c</sup> Mean and median number of attorney hours spent on cases opened in FY2014, by service level, as recorded in program services database.

<sup>d</sup> Loaded hourly rate established in contract with Judicial Council.

### ***Court-Based Services Costs***

The San Diego Superior Court (SDSC) was allocated \$302,952 to provide services for both housing and custody cases at the court. The total invoiced amount for custody services was \$14,057 for clerk staff time. The number of litigants served by the clerk was unavailable, thus a cost per case could not be determined. (Note: Shriver settlement conferences, conducted by a judge at the court, were considered a Shriver service, but were not directly invoiced.)

**Table C53. Estimated Costs for Court-Based Services in FY2014 – San Diego**

Allocation <sup>a</sup>	SDSC invoice <sup>b</sup> total	Total # served <sup>c</sup>	Services provided
\$302,952	\$14,057	Unknown	Clerk staff time

<sup>a</sup> Amount in contract for court-based services for both housing and custody projects, FY 2014.

<sup>b</sup> Amount invoiced by the Superior Court for custody services provided in FY 2014.

<sup>c</sup> Court-based services in San Diego did not track the number of cases served.

## COSTS FOR SERVICES AT THE SAN FRANCISCO CUSTODY PILOT PROJECT IN FY2014

### ***Legal Aid Services Program Costs***

**Total Program Cost.** The Justice and Diversity Center of the Bar Association of San Francisco’s (JDC) contract with the Judicial Council (JC) allocated \$386,982 custody case services in FY2014. The total amount invoiced for this time period was \$368,382. Of this, \$73,871 was spent on contract services to programs, \$141,365 was spent on a JDC attorney staffed at the court-based self-help center, and \$153,146 was spent on direct legal aid services to clients (see Table C54). This amount includes costs for casework by staff attorneys and oversight by a supervising attorney. According to the program services database, during FY2014, JDC attorneys worked a total of 1,343 hours on Shriver custody cases (not including the self-help attorney’s time).

**Table C54. Legal Aid Services Program Cost Estimates in FY2014 – San Francisco**

<b>Invoice Components</b>	<b>Amount</b>
Contract Services to Programs	\$73,871
Court-based Self-help Attorney <sup>a</sup>	\$141,365
Direct Services to Clients <sup>b</sup>	\$153,146
<b>San Francisco Pilot Project invoice total (JDCBASF)</b>	<b>\$368,382</b>
<b>San Francisco Pilot Project Allocation</b>	<b>\$386,982</b>

<sup>a</sup> The invoiced amount for the court-based self-help attorney is not included in the average estimated cost to provide legal services (Table C81).

<sup>b</sup>Direct services costs included estimated costs for attorney time listed on project invoices. For San Francisco, this included one full-time staff attorney with and 5-10 hours/week of a second staff attorney and a supervising attorney.

**Overall Per Case Cost.** As shown in Table C55 (bottom row), the average amount spent per case by the legal aid services agency was between \$2,046 and \$3,258. The total amount invoiced by JDC (\$153,146) divided by the number of cases served (47) yielded an overall average of \$3,258 spent per case. When the cost per case was calculated by multiplying the mean number of attorney hours per case by the loaded attorney hourly rate, this yielded an estimated per case cost of \$2,537. When this calculation was done using the median number of attorney hours per case, it yielded an estimated per case cost of \$2,046.

**Per Case Cost by Level of Service.** Table C55 (first and second rows) shows the average cost per case taking into account the level of service provided. The average amount spent per representation case was between \$573 and \$3,371 and the average amount spent per unbundled services case was between \$573 and \$1,693. When the total invoiced amount (\$153,146) for legal aid services was divided by the number of cases at each service level, it yielded an average cost of \$3,371 per representation case and \$737 per unbundled services case. For representation cases, when the cost per case was calculated by multiplying the mean number of attorney hours by the loaded attorney hourly rate, this yielded an estimated per case cost of \$2,619; when this calculation was done using the median number of attorney hours



per case, it yielded an estimated per case cost of \$2,046. For unbundled services cases, when the cost per case was calculated using the mean or median (values were equal) number of attorney hours, this yielded an estimated per case cost of \$573.

*Note on the calculations for cost per case:* Estimates derived from the invoiced amount (left side of the table) included hours worked by supervising attorneys and hours spent by staff attorneys doing background and supportive work, in addition to their direct case work. Estimates derived from the program services database (right side of the table) pertain only to time spent by staff attorney working on cases.

**Table C55. Average Estimated Cost to Provide Legal Aid Services per Case  
in FY 2014 – San Francisco**

Invoice			Program Services Data and Contracted Hourly Rate			
Level of Service	Number of Cases <sup>a</sup>	Average Cost per Case <sup>b</sup>	Average Hours per Case <sup>c</sup>	x	Atty Hourly Rate <sup>d</sup>	= Average Cost per Case
Reprstn.	45	\$3,371	Mean 32.0		\$81.84	\$2,619
			Median 25.0		\$81.84	\$2,046
Unbundled Svcs.	2	\$737	Mean 7.0		\$81.84	\$573
			Median 7.0		\$81.84	\$573
All Cases	47	\$3,258	Mean 31.0		\$81.84	\$2,537
			Median 25.0		\$81.84	\$2,046

<sup>a</sup> Number of cases opened in FY 2014, receiving each service, as recorded in the program services database.

<sup>b</sup> See Table CA41 in Appendix C for full calculations.

<sup>c</sup> Mean and median number of attorney hours spent on cases opened in FY2014, by service level, as recorded in program services database.

<sup>d</sup> Loaded hourly rate established in contract with Judicial Council.

### ***Court-Based Services Costs***

The San Francisco Superior Court was not contracted to provide services for custody cases. However, the legal aid services agency (JDC) used Shriver funds to staff an attorney in the self-help center at the courthouse to provide assistance to litigants in custody matters and to refer eligible parties for Shriver legal aid services from JDC (see Table C56).

**Table C56. Estimated Costs for Court-Based Services in FY2014 – San Francisco**

	Allocation <sup>a</sup>	Invoice total <sup>b</sup>	Total # served <sup>c</sup>	Services provided
Superior Court	\$0 <sup>b</sup>	\$0	N/A	N/A
JDCBASF	\$386,982 <sup>a</sup>	\$141,365	455	Self-help attorney

<sup>a</sup> The amount in contract for court-based services for FY 2014. The Superior court was not allocated any money for services, but the Justice and Diversity Center used a portion of their funding to provide a court-based self-help attorney.

<sup>b</sup> Amount invoiced for custody services provided in FY 2014.

<sup>c</sup> Number of parties assisted by self-help attorney, as reported by JDC staff.



## **Does the Provision of Shriver Services Improve Court Efficiency?**

Court efficiency is conceptualized as either reduced court activities (e.g., fewer trials) or reduced time spent by staff on an activity (e.g., quicker processing of cases). These efficiencies result in savings that can be financial (i.e., money saved) or opportunity resources (i.e., staff time conserved and then available for other tasks). Court efficiency cost analyses were possible for one site: the San Diego pilot project. This single site met the following criteria: (1) a case selection process was implemented that yielded sufficient sample sizes of Shriver and non-Shriver comparison cases, (2) a round of court case file reviews was done, which provided data for comparison, and (3) court staff participated in interviews during which they provided information about the time and resources needed for each court activity.

### **AVERAGE COST TO PROCESS A TYPICAL CUSTODY PLEADING (RFO)**

San Diego Superior Court staff (judges and clerks) described the steps involved in processing a pleading that would be typical among cases eligible for Shriver services (e.g., sole custody at issue, imbalanced representation, contentiousness). These included, for example, meeting with the family law facilitator (FLF), sessions with Family Court Services (FCS), clerks processing the paperwork, fee waiver processing, and different types of hearings. For each activity, court staff estimated the amount of time spent preparing and conducting the activity by the relevant staff members (including the FCS counselor, family law facilitator, clerks/judicial assistants, court reporter, bailiff/deputy, and judge). Salaries, benefits, indirect support rates, and jurisdictional overhead rates for each position were located online<sup>57</sup> (for FY2014) and used to calculate hourly rates, which were multiplied by the time spent for each activity. (Tables CA42 through CA51 in Appendix C display the calculations used to estimate the cost for each activity.) These include:

1. Family law facilitator session: \$61
2. Family court services: \$326
3. Paperwork and calendaring: \$21
4. Fee waiver processing: \$7
5. Shriver settlement conference: \$401
6. Regular hearing: \$259
7. Review hearing: \$239
8. Long cause hearing: \$508
9. Ex parte hearing: \$106
10. Trial: \$1,002

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<sup>57</sup> Retrieved from <http://publicpay.ca.gov/Reports/PositionDetail.aspx?employeeid=15199249>



Table C57 displays the calculations used to estimate the costs to process a typical child custody pleading with and without Shriver services. Case file review data were used to estimate the frequency of each activity for each group—for example, on average, Shriver cases had 1.2 regular hearings and comparison cases had 2.1 regular hearings. Some activities—such as FCS mediation sessions, paperwork and calendaring time—applied equally to all cases. Together, these figures were used to estimate the average costs of a typical custody pleading.

Analysis of the case file review data identified five activities for which the frequency rate differed between cases that received Shriver services (all received Shriver representation and 85% participated in a Shriver settlement conference) and comparison cases (cases with a mix of representation status, including no attorneys, attorneys on both sides, and attorneys on one side). These rates were used to calculate an “average” cost across cases:

- *Shriver settlement conferences* were provided only for Shriver cases, and 85% of these cases participated. This resulted in an investment cost of \$341 per case on average.
- *Regular hearings.* Pleadings that received Shriver services had an average of 1.2 regular hearings, whereas cases without Shriver services had an average of 2.1 hearings. The average cost of a regular hearing was estimated at \$259. The reduction in the number of hearings among Shriver cases resulted in a cost savings of approximately \$233 per case.
- *Review hearings.* Pleadings with Shriver services had an average of 0.5 review hearings, while cases without Shriver services had an average of 0.2 review hearings. The average cost of a review hearing was estimated to be \$239. The increase in review hearings among Shriver cases resulted in an investment cost of approximately \$72 per case.
- *Long cause hearings.* Pleadings with Shriver services had an average of .2 long cause hearings, and cases without Shriver services had an average of 0.01. The estimated cost for a long cause hearing was \$508. The increase in long cause hearings among Shriver cases resulted in an investment cost of approximately \$97 per case.
- *Trials.* On average, pleadings with Shriver services had 0.06 trials, compared with .02 trials among cases without Shriver services. The estimated cost of a trial was \$1,002. The increase in trials among Shriver cases resulted in an investment cost of approximately \$40 per case.

Overall, the average cost to process a typical (Shriver-eligible) custody pleading without Shriver services was estimated to be \$1,053. The overall average cost of a pleading that received Shriver services was estimated to be \$1,369. This difference suggests an average investment cost of \$316 per case.



**Table C57. An Estimate of the Cost to Process a Custody Pleading**

Court Activity	Activity <sup>a</sup> Rate and Related Cost				Savings and Improvements
	Without Shriver Services		With Shriver Services		
Family Law Facilitator	Assists with preparing the petition, RFOs and responsive declarations	1.0 x \$61 = <b>\$61</b>	Assists with preparing the petition, RFOs and responsive declarations	1.0 x \$61 = <b>\$61</b>	No intended or realized change.
Family Court Services	Child Custody Recommending Counseling session, information gathering and reporting. One FCS appointment per 12 month period.	1.0 x \$455 = <b>\$326</b>	Child Custody Recommending Counseling session, information gathering and reporting. One FCS appointment per 12 month period.	1.0 x \$326 = <b>\$326</b>	No intended or realized change.
Paperwork and Calendaring	Processing of paperwork (scanning, copying, forwarding) and setting hearing dates	1.0 x \$21 = <b>\$21</b>	Processing of paperwork (scanning, copying, forwarding) and setting hearing dates	1.0 x \$21 = <b>\$21</b>	No intended or realized change.
Fee Waiver Request	Paperwork, judge review and hearing	1.0 x \$7 = <b>\$7</b>	Paperwork, judge review and hearing	1.0 x \$7 = <b>\$7</b>	No intended or realized change.
Shriver Settlement Conference	None	<b>\$0</b>	Judge, Shriver Atty, clerks and families work to resolve the custody matters	0.85 x \$401 = <b>\$341</b>	Shriver Settlement Conferences conducted by a judge, costs (-)\$341 per case.
Regular Hearing(s)	Standard hearing attended by litigants, judge, courtroom reporter and deputy. Average of 2.1 per case	2.1 x \$259 = <b>\$544</b>	Standard hearing attended by litigants, judge, courtroom reporter and deputy. Average of 1.2 per case	1.2 x \$259 = <b>\$311</b>	Fewer hearings for Shriver pleadings, due to Shriver full representation, yields savings of \$233 per pleading.
Review Hearing(s)	Follow-up hearing attended by litigants, judge, courtroom reporter and deputy. Average of 0.2 per case	0.2 x \$239 = <b>\$48</b>	Follow-up hearing attended by litigants, judge, courtroom reporter and deputy. Average of 0.5 per case	0.5 x \$239 = <b>\$120</b>	More review hearings for Shriver pleadings, costs (-)\$72 per case.

Court Activity	Activity <sup>a</sup> Rate and Related Cost				Savings and Improvements
	Without Shriver Services		With Shriver Services		
Long Cause Hearing(s)	Extended dedicated time hearing attended by litigants, judge, courtroom reporter and deputy. Average of 0.1 per case	0.01 x \$508 = <b>\$5</b>	Extended dedicated time hearing attended by litigants, judge, courtroom reporter and deputy. Average of 0.2 per case	0.2 x \$508 = <b>\$399</b>	More long cause hearings for Shriver pleadings, costs (-)\$394 per case
Ex Parte Hearing(s)	Emergency hearing. Average of 0.2 per case	0.2 x \$106 = <b>\$21</b>	Emergency hearing. Average of 0.2 per case	0.2 x \$106 = <b>\$21</b>	No intended or realized change.
Trial	Average of .02 per case	.02 x \$1,002 = <b>\$20</b>	Average of .06 per case	.06 x \$1,002 = <b>\$60</b>	Slightly more trials for Shriver pleadings, costs (-)\$40 per case
Average total cost <sup>c</sup>		<b>\$1053</b>		<b>\$1369</b>	<b>-\$316</b>

Note. Data source: Court case file review data, staff time (judge, clerk) estimates and online budget information.

<sup>a</sup> Tables in Appendix C show time spent and salaries used to develop the cost for each activity. Estimates for time spent were provided by Superior Court staff. Estimates are based on the mid-point of ranges provided by staff for the number of minutes for each activity.

### ***Estimated Biennial Savings Based on Court Efficiencies***

The legislation did not necessarily intend to increase the efficiency of a single pleading, and the addition of services such as judge-facilitated Shriver settlement conferences could be reasonably expected to increase the court costs in the short term. However, the legislation did intend to increase the durability of custody orders, which may increase family stability and decrease court involvement over time. From this perspective, court efficiency as a result of Shriver services is conceptualized as reduced court activities over time—specifically, fewer subsequent RFOs filed to modify existing custody orders.

Recall findings presented earlier in the Case Outcome section based on case file review data regarding the number of subsequent custody-related RFOs filed within 2 years of the study relevant pleading resolution (Table C33): 11% of cases with Shriver representation filed a subsequent custody-related RFO within two years, versus 32% of comparison cases. Given that the average cost to process a typical (non-Shriver) RFO was estimated at \$1,053 (Table C57), the reduction in the number of subsequent filings among Shriver cases would result in a savings of approximately \$221 per custody case for a 2-year period (see Table C58).



The savings of \$221 per case is based on whether a parent filed one subsequent custody-related RFO within 2 years. However, it is possible that parents could file more than one RFO for modification during this time period. To more accurately estimate the potential savings to the court, the per-case figure was multiplied by the *total number of* subsequent custody-related RFOS within 2 years for each group, as found in the court case files for the Case Outcomes study. As shown in Table C58, within 2 years, Shriver representation cases filed a total of eight subsequent RFOs and comparison cases filed a total of 32 RFOs. The reduction in subsequent RFOs would amount to a savings over 2 years of approximately \$25,272 for every 53 cases that received Shriver services.

**Table C58. Estimated Biennial Savings to Court from the Provision of Shriver Services (based on FY2014 data)**

Subsequent RFOs within 2 Years	Rates and Related Costs				Savings and Improvements
	Without Shriver Service (N=56)		With Shriver Services (N=53)		
Rate (%) of cases that filed a custody-related RFO within 2 years	Rate of 0.32	0.32 x \$1,053 = <b>\$337</b>	Rate of 0.11	0.11 x \$1,053 = <b>\$116</b>	Savings (\$221 per case) in reduced subsequent RFOs in two years
Number of subsequent custody-related RFOs filed within 2 years	32 RFOs	32 RFOs x \$1,053 = <b>\$33,696</b>	8 RFOs	8 RFOs x \$1,053 = <b>\$8,424</b>	Savings overall for these 53 cases by reduced total subsequent RFOs in two years: <b>\$25,272</b>

In summary, when Shriver services (representation and settlement conferences) are provided to parents, the resulting custody orders appear to be more durable over a 2-year period. This results in a savings of approximately \$25,000 over the course of 2 years for every 50 cases served. On average, this suggests that roughly \$500 is saved per case, which outweighs the investment cost of \$316.

## **Are Shriver Services Related to Potential Cost Savings Beyond the Court?**

### **ADDITIONAL AND OFTEN UNSEEN COSTS OF CUSTODY DISPUTES**

The direct impacts of custody decisions are often individually specific to families, and therefore do not lend themselves to cost research in the way that, for example, unlawful detainer cases do. However, as with unlawful detainer cases in which the tenants must relocate, child custody cases can also negatively impact children by prompting involuntary residential mobility and social network disruption (Hanson, 1999). Notably, these effects are in addition to the stress children experience as a result of the separation of their parents and any contentiousness within their parents' relationship.

By their very nature, custody cases are often characterized by conflict between the litigating parties. One study found that half of divorcing couples showed evidence of a high-conflict relationship prior to the divorce, which was twice the number of high-conflict relationships among non-divorcing couples (Hanson, 1999). High interparental conflict can lead to protracted custody disputes, which have costs both for the court system and the families involved. Moreover, researchers have contended that the adversarial nature of court hearings actually discourages cooperation between parents (Zeitler & Moore, 2008). High interparental conflict has been shown to have deleterious effects on children (Strohschein, 2005; Hanson 1999; Ayoub, Deutsch & Maraganore, 1998).

### **THE IMPACT OF INTERPARENTAL CONFLICT ON CHILDREN**

Ample research has demonstrated the potential negative impacts of divorce and marital discord on children and how these effects can persist into adulthood (Amato & Sobolewski, 2001). Exposure to interparental conflict, in addition to divorce, can be particularly harmful. In fact, acrimony between parents has been recognized as the primary cause for a child's emotional maladjustment following their parents' separation, having a stronger impact than the divorce itself (Booth & Amato, 2001; Chase-Landsdale, Cherlin & Kiernan, 1995; Leon, 2003; Schepard, Atwood & Schlissel, 1992). Likewise, researchers studied the guardian ad litem reports for 105 children involved in custody cases and found that increased emotional distress among children was linked to the level of conflict between their parents (Ayoub, Deutsch & Maraganore, 1998).

Children exposed to post-divorce interparental conflict are more likely to display psychological maladjustment (e.g., depression and anxiety), behavioral problems (e.g., aggression and conduct disorders), and poor academic performance (Amato & Sobolewski, 2004). A study by Johnston, González, and Campbell (1994) found that boys whose parents were involved in highly contentious divorce cases were up to four times more likely than national normative samples to show emotional and behavioral disturbances. Moreover, research has also demonstrated a correlation between the amount of interparental conflict and the degree of child maladjustment—specifically, Johnston et al. (1987) reported that an escalation of parental contentiousness was related to an increase in the number of maladaptive problems in children.

### **LONGER TERM IMPACTS OF CHILDHOOD ADJUSTMENT DIFFICULTIES**

Adjustment difficulties during childhood, especially those pertaining to aggression and behavioral disruption, have been related to challenges during young adulthood, including

crime, substance use, mental health issues, relationship aggression, and low educational attainment (Fergusson, Horwood, & Ridder, 2005; Fontaine et al., 2008).

Further, parental separation and divorce is considered one of several “adverse childhood experiences” (ACEs), which are currently understood by the Centers for Disease Control and other experts as critical markers of child development risk that can have deleterious consequences throughout the lifespan (Felitti et al., 1998; Burke, Hellman, Scott, Weems, & Carrion, 2011). (Several other ACEs—such as domestic violence, parental substance use, and child maltreatment—were also notably prevalent among Shriver cases.) Numerous studies have documented the association between a child’s exposure to ACEs and a variety of adulthood problems in physical health (e.g., cancer, diabetes, obesity), behavioral health (e.g., alcoholism, drug use) and mental health (e.g., depression, suicide attempts), and life potential (e.g., academic achievement, lost time from work). Notably, the more ACEs a child experiences, the greater the likelihood that she will experience these adulthood troubles. The range of adulthood issues that can follow from childhood exposure to interparental conflict, divorce, and the resultant maladaptive symptoms—such as health problems, crime, substance use—exact a cost on society and taxpayer-funded systems, as well as on individuals and families.

Given this evidence, it is unsurprising to find a wealth of research showing that custody conflicts and continual litigation can have harmful effects on children (Zeitler & Moore, 2008; Kelly, 2003; Grych & Fincham, 1992; Johnston, 1994). Zeitler and Moore (2008) explain that the typical challenges faced by children of divorced parents are aggravated when parents continually use the court system to settle custody disputes. These authors suggest that “reducing conflict and facilitating cooperation between parents during and after divorce proceedings can help to improve results for children and for society at large” (p. 2).

### **DIVORCE RELATED POVERTY AND RELIANCE ON PUBLICLY FUNDED SYSTEMS**

A typically unrecognized cost to society is discussed by Zastrow (2009), who calls the potential resulting financial status of a single parent, namely the mother, “divorce related poverty.” Zastrow describes that when a family is at average, or lower than average, income prior to the divorce, they are at risk for “divorce related poverty” after the separation occurs. This degradation in household income has costs for society, as these newly poor families may become reliant on publicly funded assistance programs and subsidized housing. There are also system costs associated with custodial parents obtaining child support payments from the other parent (i.e., governmental child support petitions). According to Zastrow (2009), the development of fathers being awarded custody more often has had an unintended consequence on custodial mothers, and consequently children:

*Fathers often threaten a protracted custody battle. As a result, mothers who want custody of their children without a fight are routinely forced to “barter” custody in exchange for reduced child support payments. Because such payments are so low, these women and their children then qualify for financial assistance with TANF (p.185).*

Likewise, Bartfeld (2000) also noted that women and children experience a more significant resource depletion following a divorce than men do.



# Shriver Custody Pilot Projects

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## Summary of Findings



## **SUMMARY OF FINDINGS FOR THE SHRIVER CUSTODY PILOT PROJECTS**

Child custody cases are, by nature, complex, emotionally charged, and have critical implications for families and children. The unique attributes of each family, parent personalities, relationship dynamics and histories, and circumstances of children can add layers of intricacy and tension to the proceedings. When cases are contentious, as most cases served by the Shriver custody pilot projects were, the adversarial nature of the judicial process can be compounded. There are innumerable factors that can influence court decisions about custody and visitation and what is in the best interests of the child. Thus, aggregating information to represent typical custody case trajectories or standardizing “good” outcomes is a daunting task.

Data for the evaluation of the Shriver custody pilot projects was collected over the course of 5 years, from multiple sources, using various methodologies. Program service data were recorded by Shriver legal aid services staff as they worked with clients, custody litigants were interviewed about their needs and experiences with their case, court case files were reviewed for cases that received Shriver services and those that did not, and staff from each pilot project were interviewed about their perceptions of the program’s impact. Together, these data help shed light on the impact of providing legal assistance to low-income parents in custody disputes.

### **WHO WAS SERVED BY THE SHRIVER CUSTODY PILOT PROJECTS?**

From October 2011 through October 2015, the three custody pilot projects served over 1,000 litigants involved in child custody matters. Shriver services were provided to both mothers and fathers, though most clients were female, and to both custodial and non-custodial parents. The average monthly income of Shriver clients was well below the 2014 Federal Poverty Level, and many demonstrated substantial needs in critical livelihood areas, such as income, employment and food security. Over half of Shriver cases had intertwined issues of domestic violence, which added complexity to the custody disputes. Further, many Shriver clients encountered the added difficulties of being system-involved, never-married parents (Boggess, 2017), such as the stress of determining parentage through the court and involvement with the child support system.

The statute required Shriver projects to serve cases that stood to have particularly acute consequences for families. Specifically, Shriver services were targeted toward self-represented parents who were facing a represented opposing party in cases with sole custody of the child at issue. Legal aid services attorneys acknowledged that their primary goal was to level the playing field, ensuring both parents had adequate access to justice.

### **WHAT SERVICES WERE PROVIDED BY THE SHRIVER CUSTODY PILOT PROJECTS?**

The three projects offered two levels of legal service: representation by a Shriver attorney (limited scope in that it covered all aspects of the child custody case, but no other family law issues) and unbundled services (help with discrete legal tasks). Across the three projects, over half of Shriver clients received Shriver representation and just under half received unbundled services. Over time, the pilot projects in Los Angeles and San Francisco incorporated social workers into their projects to address the serious and persistent social service needs they

recognized in their clients. Families were frequently in crisis with regard to some critical areas of livelihood (e.g., food insecurity, income, housing, healthcare), which served to inflame custody disputes and undermine the creation of stable environments for children. While these needs were beyond the scope of an attorney, having social work staff connect clients to needed social services worked to ease emotional duress and support sustainability of custody arrangements. In addition to the legal aid services, the San Diego custody pilot project also offered Shriver settlement conferences conducted by a judge.

### **WHAT WERE THE IMPACTS OF THE SHRIVER CUSTODY PILOT PROJECTS?**

The story of the Shriver custody pilot projects emerged most strongly from the qualitative interview data collected from litigants and project staff. These data demonstrate that the most notable impacts of Shriver services were more nuanced than standardized quantitative measures could reliably capture. Given the wide heterogeneity of families and custody case circumstances, this is understandable.

#### ***Attorneys Educated Parents, Developed Reasonable Expectations, Eased Tensions***

Interviews with project staff (from legal aid and the court) indicated that the provision of attorneys to assist otherwise self-represented litigants in high-conflict custody cases served a few critical functions. Attorneys helped to educate parents about the legal process and to shape reasonable expectations for their case outcomes. This intervention consequently facilitated more efficient court proceedings. Judicial officers were not having to spend time managing litigants who were unknowledgeable of the process and the court benefitted from more comprehensive information about the family on which to base decisions. Parents with Shriver representation were more prepared for court proceedings, more informed about their rights and what is possible, and more willing to engage in settlement terms under the guidance of their attorney. Shriver attorneys felt that they could ease tensions and reduce emotional turmoil that would otherwise cloud and complicate proceedings. This calming effect was thought to benefit the court, the parents, and the children.

#### ***Parents Felt Supported***

Interviews with litigants echoed these sentiments. Parents expressed substantial gratitude for the assistance of their Shriver attorney. In particular, they felt informed about their case, supported throughout the process, and not lost in the system. Notably, litigants' perception of fairness of the judicial system varied with their satisfaction with their case outcomes. In particular, if they were satisfied with their case outcome, they felt the court process was fair; if they were not satisfied with their outcomes, they felt the court process was not fair. In contrast, litigants' perceptions of the Shriver attorney was overwhelmingly positive, regardless of their satisfaction with their case resolution. Even when parents were dissatisfied with their case outcomes, they expressed appreciation for their attorney. Having an attorney's expertise and support accessible to them was important and impactful beyond the custody orders.

#### ***Attorneys Supported Collaboration between Parties***

Shriver staff reported that parents were more willing to agree to settle when their attorneys helped them understand when terms were reasonable and anticipate possible ramifications. By supporting successful negotiations and reducing emotional tensions between parties, Shriver

attorneys were able to increase the likelihood of pre-trial settlements, which positively impacts the court and the families. This helps parents feel that they were heard, that they played an active role in their case (rather than just having the court decide for them), and have a greater sense of satisfaction with the outcome. It also reduces burden on the court because fewer cases will require hearings and trials to resolve. This finding is supported by the quantitative data culled from the court case files at the San Diego project, where over half of Shriver cases resolved via settlement versus less than one third of comparison cases.

### ***Attorney Representation and Shriver Settlement Conferences***

The San Diego custody pilot project offered Shriver settlement conferences conducted by a judge, with attorneys present. These conferences differed from mediation, which is required for parties in child custody cases, in that mediation sessions are facilitated by a mediator (or an attorney) and counsel cannot attend. At this project, the combination of representation by a Shriver attorney and participation in a Shriver settlement conference greatly increased the likelihood of settlement. Of these cases, 60% reached full or partial agreement during the conference. This contrasts with the low rate of agreement (4% of cases) reached during typical mediation sessions.

The heightened success of Shriver settlement conferences is likely attributable to the presence of counsel. Parents can be afraid to enter into an agreement because they are uncertain about what will happen later. Having their attorney present during the meeting allows them to discuss the ramifications of different terms and to feel more confident about their options. Attorneys can help frame the issues, provide education, and ensure that the time with the settlement officer is used wisely (i.e., not spent on irrelevant issues). Also, the success of the Shriver settlement conference is also likely due, in part, to having a judge facilitate the discussion, which allows the pleading to be resolved, as opposed to having a mediator facilitate after which the pleading may turn into more of an investigation, instead of resolving.

Increasing settlements and improving the durability of custody orders are important project achievements. While it is difficult to disentangle the independent contributions of legal representation and settlement conferences, preliminary data suggest that both are useful.

### ***More Durable Custody Orders***

Findings from the San Diego custody pilot project indicate that the combination of representation by a Shriver attorney and participation in a Shriver settlement conference yields custody orders that are more sustainable over time. Within the 2 years after the study relevant pleading was resolved, only one in ten Shriver cases had filed an RFO to modify the existing custody orders, versus one in three comparison cases.

It appears that, when appropriately supported, the improved collaboration achieved during the custody pleading can extend beyond its resolution. It is conceivable that having attorneys present during the settlement conference increased litigants' confidence entering into agreements, their ability to negotiate terms that were manageable for them, and their subsequent investment in the agreement succeeding. The effects of more durable custody orders are many. For example, custody orders that remain in place for long periods of time can increase stability for children of separated parents. Further, increased durability of custody

orders can have a substantial impact on court efficiency and congestion by reducing the number of families returning to court. This can translate into cost savings, as the investment costs of Shriver services are more than recovered by the reduction in subsequent refilings.

### ***Custody and Visitation Orders***

Shriver pilot projects assisted custodial and non-custodial parents whose goals differed widely. For example, one client may be seeking to gain sole custody, whereas another wants to retain the current amount of parenting time in the face of an opposing party wanting sole custody. For these two cases, a “successful” outcome would look very different. Thus, the quantitative data regarding custody orders are not an easily interpretable indicator of project impact. However, across the service data for all three projects, some themes did emerge.

The courts favored joint legal custody, but sole physical custody arrangements. Orders for joint legal custody were common, occurring in more than half of all cases. However, joint physical custody orders were rare, occurring in less than one quarter of all cases. This is consistent with other research that found joint physical custody uncommonly ordered among cases (Maccoby & Mnookin, 1992). Indeed, Buchanan and Jahromi (2008) argue that joint physical custody arrangements can be particularly problematic for high conflict couples, like those served by the Shriver projects. This is because joint custody necessitates more contact between parents, which creates more opportunity for conflict. In cases resolved with sole physical custody given to one parent, orders for scheduled, unsupervised visitation for the non-custodial parent were also common. Having parenting time happen according to a schedule can also relieve high-conflict couples from the burden of having to negotiate visitation in an ongoing manner. Custody case outcomes suggest that the court felt parties would benefit from some additional structure and fewer opportunities for conflict.

Data on court orders also suggested that parents were experiencing substantial needs and were seeming to rely on the court to enforce the other parent to participate in services, such as parenting classes or therapy. Overall, relative to cases without Shriver services, a greater proportion of cases with Shriver representation tended to include additional orders. This may be due to the added expertise brought to the case by the Shriver attorneys. In particular, attorneys know what can be ordered by the judge and what is reasonable to request, while self-represented litigants may not know these options exist. Further, having counsel on both sides of a case likely yields more comprehensive information about the case for the court, which could result in additional orders.

### **ADDITIONAL NEEDS NOTED BY PROJECTS**

Shriver project staff expressed concern about the restrictive nature of the statute eligibility requirements. Specifically, mandating the combination of an income less than 200% of the federal poverty level, opposing party representation, and sole custody requests made difficult to find eligible participants. Often, if one parent is low income, then the other party is also low income and therefore not able to afford an attorney, so meeting the income requirement and the opposing party representation requirement is not possible. Additionally, staff felt that many contentious custody cases would benefit from service, but were ineligible because neither parent was explicitly asking for sole custody.

## Shriver Custody Pilot Projects

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# Shriver Custody Pilot Projects

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## Appendix A: Detailed Service Summaries



## Detailed Service Summaries for Individual Custody Pilot Projects

The following section presents data for each of the pilot projects separately. Each service summary includes information on the project context including the involved agencies and courts, the project implementation model, and detailed information on the services that were provided, to whom, and case characteristics and outcomes (when available). Material for each summary was collected over the course of 3 years, from fall 2012 to summer 2015, and includes information from a series of stakeholder interviews, site visits, quarterly reports, project forms, and, most centrally, data entered by the Shriver legal aid services agency staff into the program services database. A synthesis of this information resulted in a comprehensive picture of the processes and overall implementation of each of the pilot housing projects.

A note regarding “missing data:”

Legal aid services agency staff were conscientious in their data entry and management. However, there were some variables that were missing data for several cases. Missing values were sometimes due to inadequate data entry, but in most instances, data were missing because they were unknown to the attorneys. This is specifically apparent regarding case outcome data. For cases receiving Shriver representation, attorneys had knowledge of the case progress and resolution, and therefore data were generally complete. However, for cases receiving unbundled services, attorneys often did not know about case resolution and were therefore unable to enter case outcome data. Thus, in each of the service summaries, data pertaining to the client characteristics and case characteristics at Shriver intake are provided based on all cases, whereas data pertaining to case outcomes are provided only for representation cases.

The manner in which missing data are handled during analysis can impact results and subsequent interpretation. Throughout this report, wherever possible, the proportion of cases with missing data are represented in the tables in an effort to prevent overestimation and to provide the reader with as much information as possible. Throughout the service summaries, percentages are calculated of the total number of cases in the section (i.e., the number of cases with missing data is included in the denominator).



## Shriver Project Service Summary: Los Angeles

### Service Provision

Information regarding the level of services provided, case characteristics, and outcomes were obtained from the program services database. Data from LACLJ and L&Q were collected on all parties seeking services from February 2012 through November 2015. This section presents data pertaining to the legal aid services clients only; data were not available for the litigants who attended parenting class or watched the parenting video at the court.

### WHAT LEGAL AID SERVICES WERE PROVIDED?

In this report, litigants receiving limited scope representation from a project attorney are categorized as **representation** clients and litigants receiving all other types of legal services from a project attorney are referred to as **unbundled services** clients.

Between February 2012 and November 2015, the Los Angeles pilot custody project provided legal services to litigants in a total of 403 cases. Of these cases, 48% received representation and 52% received unbundled services (Table CA1). Table CA1 shows the average number of hours attorneys worked on custody cases, by the level of service. Importantly, these estimates reflect just attorney time and do not reflect time worked by other staff, such as intake coordinators or paralegals. Overall, Shriver attorneys worked an average of 25.2 hours per case (median = 12.0). Representation cases received an average of 45.5 hours (median = 28.4) and unbundled services cases received an average of 6.4 hours (median = 4.0).<sup>58</sup>

**Table CA1. Number of Legal Aid Services Cases and Attorney Hours Provided per Case**

Characteristic	Level of Service		
	Representation	Unbundled Services	Total
<b>Number (%) of Litigants</b>	194 (48%)	209 (52%)	403 (100%)
<b>Attorney Hours Provided</b>			
Mean (SD)	45.5 (66.5)	6.4 (6.8)	25.2 (50.2)
Median	28.4	4.0	12.0
Range	1.25 to 760.1	0.75 to 38.9	0.75 to 760.1
Missing N (%)	1 (<1%)	0 (0%)	1 (<1%)

*Note.* Data obtained from the Shriver project services database (as of 11/12/15).

### WHO RECEIVED LEGAL AID SERVICES?

#### *Client Characteristics*

At intake, Shriver attorneys collected information about their clients, including demographics, household characteristics, and aspects of the custody case. The average client age was 35 years (median = 34), 82% were female, 73% were Hispanic or Latino, 46% had some post-secondary

<sup>58</sup> Eighty percent of cases required less than 60 hours of attorney time. The mean value being higher than the median value in Table CA1 is due to two outliers (approx. 200 hours) and one extreme outlier (800 hours).

education, 17% had a known or observable disability,<sup>59</sup> and 62% had limited English proficiency (i.e, could not effectively communicate in English without the assistance of an interpreter). Demographic characteristics varied modestly between litigants who received representation and those who received unbundled services. Table CA2 shows the characteristics of the 403 litigants receiving Shriver legal aid services, by level of service received.

**Table CA2. Demographic Characteristics of Shriver Legal Aid Services Clients**

Client Level Characteristics	Level of Service		
	Representation N (%)	Unbundled Services N (%)	Total N (%)
<b>Age (years)</b>			
18 to 24	19 (10%)	27 (13%)	46 (11%)
25 to 44	157 (81%)	140 (67%)	297 (74%)
45 to 61	17 (9%)	39 (19%)	56 (14%)
62 or older	0 (0%)	2 (1%)	2 (<1%)
Unknown/not collected	1 (1%)	1 (<1%)	2 (<1%)
<b>Gender</b>			
Male	26 (13%)	44 (21%)	70 (17%)
Female	164 (85%)	165 (79%)	329 (82%)
Transgender	1 (1%)	0 (0%)	1 (<1%)
Unknown/not collected	3 (2%)	0 (0%)	3 (1%)
<b>Race/Ethnicity<sup>a</sup></b>			
Black or African American	19 (11%)	44 (20%)	63 (16%)
Hispanic/Latino	153 (78%)	142 (68%)	295 (73%)
White	8 (4%)	14 (7%)	22 (5%)
Other	12 (6%)	9 (4%)	21 (5%)
Unknown/declined	2 (1%)	0 (0%)	2 (<1%)
<b>Education</b>			
High school degree or less	98 (50%)	115 (55%)	213 (53%)
Any post-secondary	92 (47%)	93 (45%)	185 (46%)
Unknown/not collected	5 (3%)	0 (0%)	5 (1%)
<b>Limited English Proficiency</b>			
Yes	128 (66%)	122 (58%)	250 (62%)
No	66 (34%)	87 (42%)	153 (38%)
<b>Disability</b>			
Yes	29 (15%)	41 (19%)	70 (17%)
No	163 (84%)	164 (79%)	327 (81%)
Unknown/not collected	2 (1%)	4 (2%)	6 (1%)
<b>Total</b>	194 (100%)	209 (100%)	403 (100%)

*Note.* Data obtained from the Shriver project services database (as of 11/12/15). <sup>a</sup> Litigants who identified as Hispanic/Latino and any other race/ethnicity are included in the Hispanic/Latino row.

<sup>59</sup> The most common type of disability or disorder was a psychiatric or emotional disability (6%,  $n=25$ ), followed next by more than one disability/disorder, (5%,  $n=22$ ), physical disability (2%,  $n=7$ ), or other disability (4%,  $n=16$ ).



Approximately half (45%) of Shriver clients received CalFresh benefits<sup>60</sup> and 53% received public health benefits, such as Medi-Cal.<sup>61</sup> The median monthly household income was \$952 (mean = \$1,126), which is far below the 2014 income threshold of \$2,613 for a family of at least two. (The income of the opposing party was not known.) Table CA3 shows the household characteristics for litigants receiving Shriver legal services, by level of service.

**Table CA3. Household Characteristics of Shriver Legal Aid Services Clients**

Clients' Household Level Characteristics	Level of Service		
	Representation	Unbundled Services	Total
<b>Monthly Income</b>			
Mean	\$1,182	\$1,074	\$1,126
Median	\$995	\$906	\$952
<i>SD</i>	\$892	\$752	\$823
Range	\$0 to \$4,575	\$0 to \$3,530	\$0 to \$4,575
<b>Received CalFresh Benefits, <i>N</i> (%)</b>			
Yes	77 (39%)	104 (50%)	181 (45%)
No	117 (61%)	105 (50%)	222 (55%)
<b>Received Public Health Benefits, <i>N</i> (%)</b>			
Yes	101 (52%)	113 (54%)	214 (53%)
No	93 (48%)	96 (46%)	189 (47%)
<b>Total</b>	<b>194 (100%)</b>	<b>209 (100%)</b>	<b>403 (100%)</b>

*Note.* Data obtained from the Shriver project services database (as of 11/12/15).

<sup>60</sup> The CalFresh Program, federally known as the Supplemental Nutrition Assistance Program (SNAP; formerly “food stamps”), provides qualified, low-income households with monthly electronic benefits that can be used to buy most foods at many markets and food stores.

<sup>61</sup> Medi-Cal offers free or low-cost health coverage for low-income children, pregnant women, and families.

### **Child Characteristics**

Across the 403 cases receiving Shriver legal services in Los Angeles, a total of 638 children were involved, with a typical case involving one child. The average age of a child in the case was 6 years old (median = 6), and 14% of cases involved a child with a disability. About half (57%) of children were living with the Shriver client at the time of case intake. Table CA4 shows the characteristics of the children involved in the Shriver custody cases.

**Table CA4. Characteristics of Children of Shriver Legal Aid Services Clients**

Child(ren) Characteristics	Level of Service		
	Representation	Unbundled Services	Total
<b>Total Number of Children</b>	300	338	638
<b>Number of Children per Case</b>			
Mean (SD)	1.6 (0.8)	1.6 (1.0)	1.6 (0.9)
Median	1	1	1
Range	1 to 4	1 to 6	1 to 6
Missing/unknown	2 (1%)	0 (0%)	2 (<1%)
<b>Age of Child(ren)</b>			
Mean (SD)	6.2 (4.4)	6.5 (4.5)	6.4 (4.4)
Median	6	6	6
Range	0 to 18	0 to 17	0 to 18
Missing/unknown	1 (<1%)	3 (1%)	4 (1%)
<b>Child Has a Disability, N (%)</b>			
Yes	34 (17%)	24 (12%)	58 (14%)
No	146 (75%)	148 (71%)	294 (73%)
Missing	14 (7%)	37 (18%)	51 (13%)
<b>Living Arrangements at Intake, N (%)</b>			
Lived with client most of the time	122 (63%)	109 (52%)	231 (57%)
Share equal time or lived together	25 (13%)	23 (11%)	48 (12%)
Lived with opposing party most of the time	42 (22%)	73 (35%)	115 (29%)
Other living arrangement	1 (1%)	1 (0%)	2 (0%)
Missing/unknown	4 (2%)	3 (1%)	7 (1%)
<b>Total</b>	194 (100%)	208 (100%)	403 (100%)

*Note.* Data obtained from the Shriver project services database (as of 11/12/15).

### **Case Characteristics**

Of all cases receiving legal services, 38% were filed to obtain an initial order for custody and visitation, and 50% were filed to modify an existing custody order. Custody cases were initiated by a variety of petitions, including a petition for uniform parentage (37%), dissolution of marriage (31%), domestic violence (21%), juvenile case exit order (4%), and governmental child support (4%). At the time of Shriver intake, 22% of cases had a petition or request for orders (RFO) filed and 18% had a responsive declaration to a petition/RFO filed. Fourteen percent of

cases were currently in post-judgment and did not have an active RFO. Table CA5 displays these case characteristics, by level of legal services received.

**Table CA5. Custody Case Characteristics at Intake for Shriver Legal Aid Services Clients**

Custody Case Characteristics	Level of Service		
	Representation N (%)	Unbundled Services N (%)	Total N (%)
<b>Purpose of case</b>			
Obtain an initial order for custody and visitation	92 (47%)	63 (30%)	155 (38%)
Modify an existing custody order	86 (45%)	115 (55%)	201 (50%)
Enforce an existing custody order	2 (1%)	7 (3%)	9 (2%)
DVRO, TRO, Stay away order	7 (4%)	7 (3%)	14 (3%)
Other	4 (2%)	16 (8%)	20 (5%)
Missing/unknown	3 (2%)	1 (<1%)	4 (1%)
<b>Petition that Initiated Request for Shriver Services</b>			
Dissolution of marriage, legal separation, annulment	50 (26%)	74 (36%)	124 (31%)
Parentage	76 (39%)	73 (35%)	149 (37%)
Petition for custody and support	5 (3%)	0 (0%)	5 (1%)
Governmental child support	8 (4%)	7 (3%)	15 (4%)
Domestic violence	44 (23%)	39 (18%)	83 (21%)
Juvenile case exit order	6 (3%)	9 (4%)	15 (4%)
Other	3 (2%)	7 (3%)	10 (2%)
Missing/unknown	2 (1%)	0 (0%)	2 (<1%)
<b>Case Status at Shriver Intake</b>			
Post-judgment <sup>a</sup>	24 (12%)	33 (16%)	57 (14%)
Petition or RFO filed for custody/visitation	40 (21%)	47 (23%)	87 (22%)
Response to petition or RFO filed	33 (17%)	39 (19%)	72 (18%)
DV-related orders filed	38 (20%)	33 (15%)	71 (18%)
Other orders filed <sup>b</sup>	7 (4%)	8 (4%)	15 (4%)
Mediation occurred	37 (19%)	21 (10%)	58 (14%)
FCS recommendations made	0 (0%)	0 (0%)	0 (0%)
Other post-filing action <sup>c</sup>	14 (7%)	27 (13%)	41 (10%)
Missing/unknown	1 (1%)	1 (0%)	2 (<1%)
<b>Total</b>	<b>194 (100%)</b>	<b>209 (100%)</b>	<b>403 (100%)</b>

*Note.* Data obtained from the Shriver project services database (as of 11/12/15). <sup>a</sup> Includes previous orders for cases such as paternity, dissolution of marriage, legal separation, and annulments. <sup>b</sup> Includes temporary orders for custody/visitation and other orders not specified. <sup>c</sup> Includes child custody evaluation ordered/completed, action for contempt, and other events not specified.

### ***Client Role and Opposing Party Representation***

Shriver attorneys assisted both moving and responding parties in child custody matters. Clients were the moving party in 54% of cases that received representation and 68% of those that received unbundled services. Shriver legal services staff assessed whether the opposing party had legal counsel at the time of intake. As shown in Table CA6, for clients that received Shriver representation, 70% faced an opposing party with legal representation. Among clients that received unbundled services, approximately 55% faced an opposing party with legal representation.

**Table CA6. Client Role and Opposing Party Representation at Intake for Legal Services Clients**

Case Characteristic at Intake	Level of Service		
	Representation	Unbundled Services	Total
	<i>N (%)</i>	<i>N (%)</i>	<i>N (%)</i>
<b>Client Role in Case</b>			
Moving party	105 (54%)	143 (68%)	248 (62%)
Responding party	87 (45%)	62 (30%)	149 (37%)
Other	1 (1%)	4 (2%)	5 (1%)
Missing/unknown	1 (1%)	0 (0%)	1 (<1%)
<b>Opposing Party Represented by Counsel</b>			
Yes	138 (70%)	114 (55%)	252 (63%)
No	50 (26%)	74 (35%)	124 (31%)
Missing/unknown	6 (3%)	21 (10%)	27 (7%)
<b>Total</b>	<b>194 (100%)</b>	<b>209 (100%)</b>	<b>403 (100%)</b>

*Note.* Data obtained from the Shriver program services database (as of 11/12/15).

### ***Other Contextual Factors***

To understand the complexity of child custody cases, and to help elucidate possible reasons for one party obtaining sole custody, Shriver attorneys asked clients about current or previous involvement with Child Protective Services, police, domestic violence within the previous 5 years, and allegations of substance use by either party. Of note, this information was available only by report of the Shriver client. Thirty-five percent ( $n=140$ ) of cases had current or prior involvement with Child Protective Services. Seventy percent ( $n=282$ ) involved an allegation of domestic violence, most often against the opposing party. One third (32%;  $n=129$ ) involved an allegation of substance use, most often against the opposing party. And 42% of cases involved at least one instance of police involvement in the 3 months prior to Shriver intake. Overall, 85% of cases ( $n=341$ ) had at least one of these factors. Table CA7 shows the numbers of cases with each of these factors, by level of service.

**Table CA7. Contextual Factors for Shriver Legal Services Clients**

Contextual Factor	Level of Service		
	Representation <i>N</i> (%)	Unbundled Services <i>N</i> (%)	Total <i>N</i> (%)
Involvement with Child Protective Services <sup>a</sup>			
Never	86 (44%)	94 (45%)	180 (45%)
Currently	20 (10%)	20 (10%)	40 (10%)
Previously	53 (27%)	47 (23%)	100 (25%)
Juvenile Court Case	14 (8%)	14 (6%)	28 (7%)
Missing/unknown	21 (11%)	34 (16%)	55 (13%)
Allegations of Domestic Violence <sup>b</sup>			
None	48 (25%)	56 (27%)	104 (26%)
Client alleged or convicted	11 (6%)	22 (11%)	33 (8%)
OP alleged or convicted	106 (54%)	97 (47%)	203 (50%)
Both client and OP alleged/convicted	21 (11%)	25 (12%)	46 (11%)
Missing/unknown	8 (5%)	9 (4%)	17 (4%)
Allegations of Substance Use			
None	124 (64%)	118 (56%)	242 (60%)
Against client	11 (6%)	22 (11%)	33 (8%)
Against opposing party	40 (21%)	44 (21%)	84 (21%)
Both parties alleged	8 (4%)	4 (2%)	12 (3%)
Missing/unknown	11 (5%)	21 (10%)	32 (8%)
Police Involvement 3 Months Prior to Shriver Intake			
Yes	89 (45%)	79 (38%)	168 (42%)
No	89 (51%)	95 (54%)	184 (52%)
Missing/unknown	16 (9%)	34 (16%)	51 (13%)
Total	194 (100%)	208 (100%)	403 (100%)

*Note.* Data obtained from the Shriver project services database (as of 11/12/15).

<sup>a</sup> The alleged perpetrator of child maltreatment (i.e., which party) was unknown.

<sup>b</sup> Allegations of domestic violence within 5 years prior to Shriver intake.

## Case Outcomes

The remainder of this section on the LA pilot custody project reflects only Shriver cases that received representation from Shriver attorneys. Outcomes of cases receiving unbundled services were largely unknown because attorneys did not follow these cases to resolution.

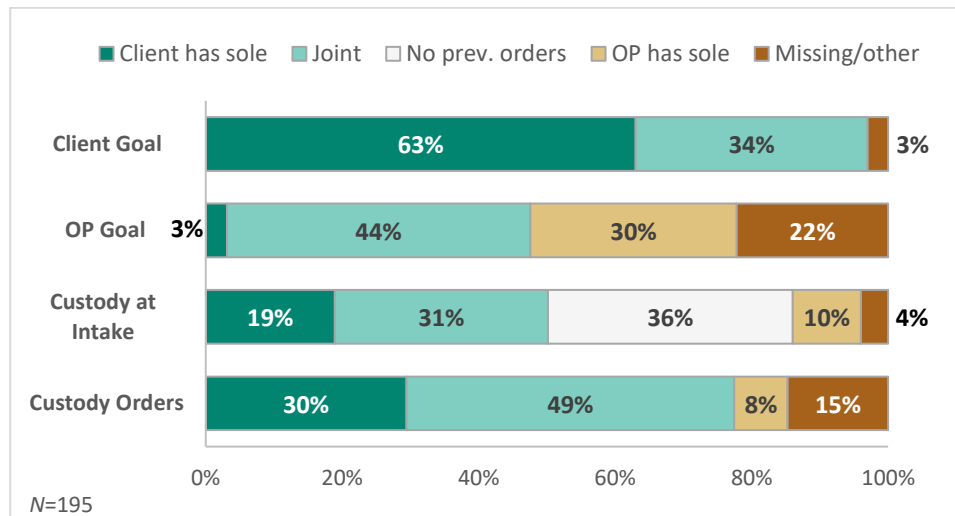
### CHILD CUSTODY ORDERS

#### *Legal Custody*

At the time of intake, Shriver attorneys asked their clients about their goals for their case, in terms of legal custody, physical custody, and visitation/timeshare orders. At intake, nearly two thirds (63%;  $n=122$ ) of Shriver representation clients wanted sole legal custody, and one third (34%;  $n=66$ ) wanted to share joint legal custody. Information about the opposing parties' goals were obtained by the attorney from the pleading, response, or the client. By contrast, less than one third of opposing parties (30%,  $n=59$ ) wanted sole legal custody, and 44% ( $n=86$ ) wanted to share joint legal custody. In 77% of cases ( $n=150$ ), at least one party requested sole legal custody of the child(ren).

At intake, 19% of Shriver clients had sole legal custody of the child and 63% wanted it. At resolution, 30% of clients were awarded sole legal custody. In contrast, at intake, 10% of opposing parties had sole legal custody and 30% wanted it. At resolution, 8% of opposing parties were awarded sole legal custody. The percentage of cases with joint legal custody increased from 31% at intake to 49% at resolution. Many of these changes are due to the 36% of cases without legal custody orders at intake. (The remaining 12% had some other outcome).<sup>62</sup> Figure CA1 shows this breakdown, and Appendix Table CA8 provides specific percentages.

**Figure CA1. Legal Custody: Case Goals, Custody Status at Intake, and Custody Orders for Shriver Representation Clients and Opposing Parties**



Note. OP = opposing party.

<sup>62</sup> 2% ( $n=3$ ) of cases were missing information about the legal custody outcomes.

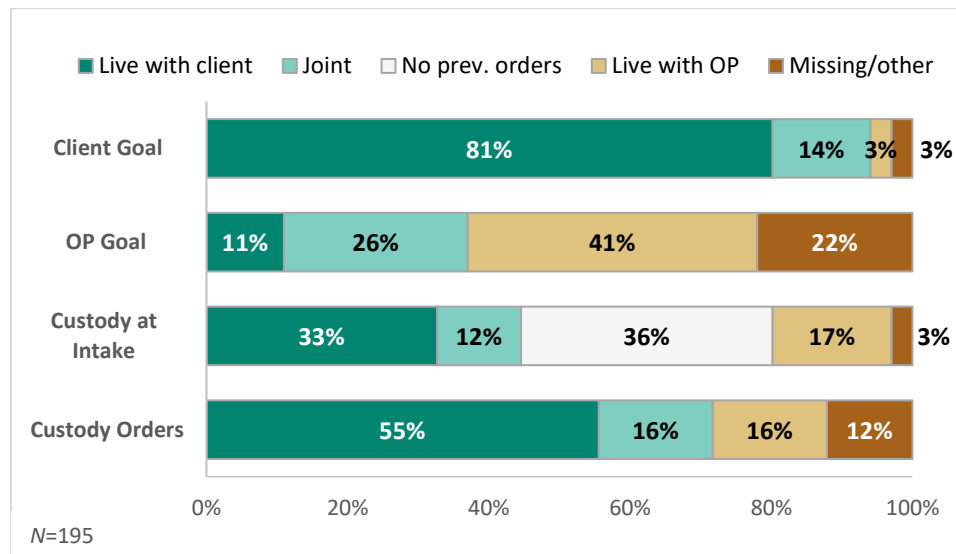
### ***Physical Custody and Parenting Time (“Visitation”)***

At intake, Shriver attorney also asked clients about their goals for the physical custody of the child(ren). A substantial majority (81%;  $n=157$ ) of Shriver representation clients wanted the child(ren) to live with them all or most of the time. By contrast, 41% ( $n=79$ ) of opposing parties wanted the child(ren) to live with them all or most of the time. In 94% ( $n=183$ ) of cases, at least one party requested sole physical custody of the child(ren).

Of the Shriver clients seeking sole physical custody, 3% ( $n=4$ ) requested reasonable visitation for the opposing party, 53% ( $n=83$ ) wanted scheduled, unsupervised visitation, 33% ( $n=52$ ) wanted supervised visitation, 8% ( $n=13$ ) wanted no visitation for the opposing party [1% ( $n=2$ ) wanted some other visitation order (not specified)].<sup>63</sup>

At intake, 33% of Shriver clients had sole physical custody of the child and 81% wanted it. At resolution, 55% of clients were awarded sole physical custody. In contrast, at intake, 17% of opposing parties had sole physical custody and 41% wanted it. At resolution, 16% of opposing parties were awarded sole legal custody. The percentage of cases with joint physical custody was 12% at intake and 16% at resolution. Many of these changes are due to the 36% of cases without custody orders at intake.<sup>64</sup> Figure CA2 shows this breakdown, and Table CA9 provides specific percentages.

**Figure CA2. Physical Custody: Case Goals, Custody Status at Intake, and Custody Orders for Shriver Representation Clients and Opposing Parties**



Note. OP = opposing party.

<sup>63</sup> 2% ( $n=3$ ) of cases were missing information about the client’s goals for visitation orders.

<sup>64</sup> 13% ( $n=26$ ) of cases were missing information about the physical custody outcomes.

Of the 137 cases in which one party was awarded sole physical custody, 66% ( $n=90$ ) involved the non-custodial parent receiving scheduled, unsupervised visitation with the child(ren); 24% ( $n=33$ ) receiving supervised visitation and 5% ( $n=7$ ) receiving no visitation with the child(ren). For the 33 cases in which supervised visitation was ordered for the non-custodial parent, the primary reason pertained to concerns regarding domestic violence (42%,  $n=14$ ), reintroduction (9%,  $n=3$ ), or multiple reasons (12%,  $n=4$ ).<sup>65</sup> Table CA9 shows the number of cases with each visitation outcome, split by physical custody orders. Among the 33 cases for which supervised visitation was ordered, one-third of these cases ( $n=11$ ) entailed orders for a professional provider.<sup>66</sup> Table CA9 provides more detail regarding supervised visitation terms.

**Table CA8. Visitation Orders by Physical Custody Outcomes**

Visitation Orders	Physical Custody Outcome		
	Sole to Client <i>N</i> (%)	Sole to OP <i>N</i> (%)	Total <i>N</i> (%)
Reasonable visitation	1 (1%)	1 (3%)	2 (1%)
Scheduled (unsupervised) visitation	67 (64%)	23 (72%)	90 (66%)
Supervised visitation for client	0 (0%)	6 (19%)	6 (4%)
Supervised visitation for OP	27 (26%)	0 (0%)	27 (20%)
No visitation for client	0 (0%)	0 (0%)	0 (0%)
No visitation for OP	7 (7%)	0 (0%)	7 (5%)
Other	1 (1%)	1 (3%)	2 (1%)
Missing/Unknown	2 (2%)	1 (3%)	3 (2%)
Total	105 (100%)	32 (100%)	137 (100%)

*Note.* Data obtained from the Shriver project services database (as of 11/12/15). Includes representation cases only ( $n=195$ ).

<sup>65</sup> 35% ( $n=12$ ) of cases were missing this information, or the information was unknown.

<sup>66</sup> Non-professional providers (12%,  $n=4$ ), other providers (6%,  $n=2$ ), and multiple types of providers (12%,  $n=4$ ) were also ordered as supervised visit providers. 36% ( $n=12$ ) were missing information about the provider type.



**Table CA9. Supervised Visitation Terms for Shriver Representation Clients**

Other Visitation Terms	Physical Custody Outcomes				
	Client Has Sole Custody	OP Has Sole Custody	Joint Custody	Other or Missing	Total
	<i>N (%)</i>	<i>N (%)</i>	<i>N (%)</i>	<i>N (%)</i>	<i>N (%)</i>
Supervised Visits Due To					
Interpersonal Violence	14 (13%)	1 (3%)	1 (3%)	0 (0%)	16 (8%)
Abduction concerns	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
Reintroduction	2 (2%)	1 (3%)	0 (0%)	0 (0%)	3 (2%)
Multiple reasons	3 (3%)	1 (3%)	0 (0%)	0 (0%)	4 (2%)
Not applicable	78 (74%)	26 (81%)	30 (97%)	26 (100%)	160 (82%)
Missing	9 (8%)	3 (9%)	0 (0%)	0 (0%)	12 (6%)
Supervised Visits Ordered With					
Professional provider	10 (9%)	2 (6%)	0 (0%)	0 (0%)	12 (6%)
Non-professional provider	4 (4%)	0 (0%)	0 (0%)	0 (0%)	4 (2%)
Other therapeutic provider	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
Other provider	3 (3%)	3 (9%)	0 (0%)	0 (0%)	6 (3%)
Multiple types	1 (1%)	3 (9%)	0 (0%)	0 (0%)	4 (2%)
Not applicable	77 (73%)	23 (72%)	31 (100%)	26 (100%)	157 (81%)
Missing	11 (10%)	1 (3%)	0 (0%)	0 (0%)	12 (6%)
Total	106 (100%)	32 (100%)	31 (100%)	26 (100%)	195 (100%)

*Note.* Data obtained from the Shriver project services database (as of 11/12/15). Includes limited representation cases only (*n*=195).

### Additional Case Outcomes

In addition to child custody orders, the court could make, or the parties agree to, additional orders. Among all Shriver representation cases, mental health therapy was ordered for the Shriver client 4% of the time and for the child(ren) 10% of the time. Orders for substance use counseling was rare, occurring in just one case. Parenting classes were ordered 7–9% of cases, and varied by the physical custody orders. A restraining order was granted for the client in 15% of cases—including 23% of cases in which the client was granted sole physical custody. Orders for criminal protective orders and participation in batterer’s program occurred in very few cases. This is most likely because these issues were addressed in other cases. These additional orders are displayed in Table CA10, organized by physical custody outcome.

**Table CA10. Additional Orders by Physical Custody Outcomes for Shriver Representation Clients and Opposing Parties**

Other Orders in Case	Physical Custody Orders				
	Sole to Client	Sole to OP	Joint Custody	Other or Missing	Total
	N (%)	N (%)	N (%)	N (%)	N (%)
Treatment-related Orders					
Therapy/Mental Health Counseling					
For client	2 (2%)	3 (9%)	2 (6%)	0 (0%)	7 (4%)
For OP	7 (7%)	0 (0%)	2 (6%)	0 (0%)	9 (5%)
For child(ren)	8 (8%)	6 (19%)	4 (13%)	1 (4%)	19 (10%)
Substance Use Counseling					
For client	0 (0%)	1 (3%)	0 (0%)	0 (0%)	1 (1%)
For OP	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
Parenting Classes					
For client	7 (7%)	7 (22%)	4 (13%)	0 (0%)	18 (9%)
For OP	7 (7%)	2 (6%)	4 (13%)	0 (0%)	13 (7%)
Domestic Violence-related Orders					
Restraining Order Granted					
For client	24 (23%)	1 (3%)	3 (10%)	2 (8%)	30 (15%)
For OP	1 (1%)	1 (3%)	0 (0%)	1 (4%)	3 (2%)
Criminal Protective Order Granted <sup>a</sup>					
For client	2 (2%)	0 (0%)	1 (3%)	0 (0%)	3 (2%)
For OP	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
52-week Batterer’s Program Ordered					
For client	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
For OP	5 (5%)	0 (0%)	0 (0%)	0 (0%)	5 (3%)
Total	106 (100%)	32 (100%)	32 (100%)	24 (100%)	194 (100%)

Note. Data obtained from the Shriver project services database (as of 11/12/15). Includes representation cases only (n=194).

<sup>a</sup> Criminal protective orders and restraining orders are most commonly issued in concurrent criminal and/or domestic violence cases, not the custody case.

## COURT EFFICIENCY & OTHER AGENCY INVOLVEMENT

### *Length of Shriver Service Provision*

Across the representation cases with available data, the average length of Shriver service provision was 7.9 months (median = 6.5; range = 1 day to 799 days).<sup>67</sup> Cases resolving with orders for joint physical custody were usually the shortest, averaging about 7.1 months (median = 5.5) of Shriver service provision. Cases in which the opposing party was awarded sole custody were those that lasted the longest, averaging about 9.2 months (median = 7), and cases in which the client was awarded sole physical custody fell in between, with an average of 7.7 months (median = 6).

### *Continuances and Mediation Sessions*

On average, each Shriver representation case had one continuance, one mediation session, and one settlement conference, which did not vary by case outcomes—that is, the prevalence of certain custody orders did not vary according to the frequency of these events. [Note that the Los Angeles Superior Court had a mandatory settlement conference program that was a standard part of its custody case processing and that existed before, and outside of, the Shriver pilot project. These settlement conferences entailed the parties and their respective counsel meeting with a judge in chambers. Each party prepares a brief and the judge works with both parties (who can consult their counsel, who is also present) to facilitate a settlement. These conferences are scheduled for cases that are on track for trial, with the goal of preventing a trial.] Table CA11 shows the average number of court events for representation clients.

**Table CA11. Court Events for Representation Clients**

Statistic	Court Event		
	Continuances	Mediation Sessions	Mandatory Settlement Conferences <sup>a</sup>
Mean (SD)	0.9 (1.1)	0.9 (0.6)	0.8 (1.1)
Median	1	1	0
Range	0 to 5	0 to 2	0 to 6
Missing, <i>N</i> (%)	24 (13%)	18 (10%)	20 (11%)

*Note.* Data obtained from the Shriver project services database (as of 11/12/15). Includes representation cases only (*n*=194).

Information about the length of the court case was not available.

<sup>a</sup> Mandatory Settlement Conferences in the LA Court are a standard part of court operations and are not part of the Shriver project.

### *Police Involvement*

At the initial meeting, clients were asked by their attorneys how often the police had been asked to intervene in the three months prior to Shriver intake. Police involvement included, but was not limited to, enforcing existing custody and visitation orders or responding to instances of domestic violence. Forty-six percent of clients reported having no police involvement in the

<sup>67</sup> One case (<1%) was missing this information.

three months prior to Shriver intake, 44% ( $n=84$ ) reported occasional police involvement, and 2% ( $n=4$ ) had frequent police involvement (at least once per week).

Toward the end of Shriver service provision (i.e., at or near the resolution of the pleading), clients were again asked about police involvement during the previous 3 months. At this point, 73% ( $n=125$ ) reported no police involvement. This include 75 cases that maintained no police involvement from baseline and 50 cases whose involvement decreased. Eight cases (4%) reported increased police involvement, and 28 (14%) had the same amount of police involvement as before Shriver services.<sup>68</sup> Table CA12 displays the frequency of reported police involvement at Shriver intake and exit.

**Table CA12. Reported Frequency of Police Involvement for Limited Representation Clients**

Frequency of Police Involvement	3 Months Prior to Shriver Intake	3 Months Prior to Shriver Exit
	<i>N</i> (%)	<i>N</i> (%)
Never	89 (46%)	125 (73%)
Less than once per month	48 (25%)	22 (13%)
1-3 times per month	36 (19%)	12 (7%)
Once per week	1 (1%)	2 (1%)
2-3 times per week	4 (2%)	5 (3%)
More than 3 times per week	0 (0%)	0 (0%)
Missing/unknown	16 (9%)	28 (14%)
Total	194 (100%)	194 (100%)

*Note.* Data obtained from the Shriver project services database (as of 11/12/15). Includes representation cases only ( $n=194$ ).

<sup>68</sup> 20% of cases ( $n=39$ ) were missing information at either intake or case closing.

## Shriver Project Service Summary: San Diego

### Service Provision

Information regarding the types of services provided, case characteristics, and outcomes were obtained from the program services database. Data from San Diego Volunteer Lawyer Program (SDVLP), the provider of legal aid services for the Shriver custody project, were collected on all parties seeking services from February 2012 through November 2015.

### WHAT SERVICES WERE PROVIDED?

#### Legal Aid Services

In this report, litigants receiving limited scope representation from a Shriver legal aid services attorney are categorized as **representation** clients and litigants receiving all other types of legal services from an SDVLP attorney are referred to as **unbundled services** clients.

Between February 2012 and November 2015, the San Diego pilot custody project provided legal services to litigants in a total of 470 cases. Of these cases, 36% received representation and 64% received unbundled services (Table CA13). Shriver attorneys tracked the number of hours they spent working on each case in one-hour increments. Table CA13 shows the average number of hours attorneys worked on custody cases, by the level of service. Importantly, these estimates reflect just attorney time and do not reflect time worked by other staff, such as intake coordinators or paralegals. Overall, Shriver attorneys worked an average of 11.2 hours per case (median = 3.0 hours). Representation cases received an average of 25.9 hours (median = 20.0) and unbundled services cases received an average of 3.0 hours (median = 3.0).<sup>69</sup>

**Table CA13. Number of Legal Aid Services Cases and Attorney Hours Provided per Case**

Characteristic	Level of Service		
	Representation	Unbundled Services	Total
<b>Number (%) of Litigants</b>	171 (36%)	299 (64%)	470 (100%)
<b>Attorney Hours Provided</b>			
Mean (SD)	25.9 (24)	3.0 (4)	11.2 (18)
Median	20.0	3.0	3.0
Range	5.0 to 250.0	0.5 to 299.0	0.5 to 250.0
Missing N (%)	4 (2%)	0 (0%)	4 (1%)

*Note.* Data obtained from the Shriver project services database (as of 11/12/15).

#### Court-Based Services

As part of the Shriver San Diego pilot custody project, the San Diego Superior Court offered settlement conferences, conducted by a judge, to litigants prior to appearing in court. Between February 2012 and November 2015, a total of 129 Shriver cases participated in at least one settlement conference. Of these cases, 123 were receiving Shriver representation and six were

<sup>69</sup> Ninety percent of cases required less than 50 hours of attorney time. The mean value being higher than the median value in Table CA13 is due to an outlying value (250 hours).

receiving unbundled services. It is possible that other custody cases, with no parties receiving Shriver legal aid services, also participated in a settlement conference. However, information about these cases was not available.

## WHO RECEIVED LEGAL AID SERVICES?

### *Client Characteristics*

At the time of Shriver intake, SDVLP staff members collected information about their clients, including demographics, household characteristics, and characteristics pertinent to the custody case. The average age of the client was 31 years, 75% were female, 49% were Hispanic or Latino, half had at least some post-secondary education, 20% had a known or observable disability,<sup>70</sup> and 8% could not effectively communicate in English without the assistance of an interpreter (Limited English Proficiency). Demographic characteristics varied between litigants who received representation and those who received unbundled services. Table CA14 displays the demographic characteristics of the 470 litigants served by SDVLP, by level of service.

**Table CA14. Demographic Characteristics of Shriver Legal Aid Services Clients**

Client Level Characteristics	Level of Service		
	Representation	Unbundled Services	Total
	N (%)	N (%)	N (%)
Age (years)			
18 to 24	21 (12%)	80 (27%)	101 (21%)
25 to 44	135 (79%)	199 (67%)	334 (71%)
45 to 61	15 (9%)	20 (7%)	35 (7%)
62 or older	0 (0%)	0 (0%)	0 (0%)
Unknown/not collected	0 (0%)	0 (0%)	0 (0%)
Gender			
Male	30 (18%)	88 (29%)	118 (25%)
Female	140 (82%)	211 (71%)	351 (75%)
Transgender	0 (0%)	0 (0%)	0 (0%)
Unknown/not collected	1 (1%)	0 (0%)	1 (0%)
Race/Ethnicity <sup>a</sup>			
Asian	14 (5%)	8 (5%)	22 (5%)
Black or African American	18 (11%)	62 (21%)	80 (17%)
Hispanic/Latino	72 (42%)	160 (54%)	232 (49%)
White	56 (33%)	39 (13%)	95 (20%)
Other	16 (9%)	15 (5%)	31 (7%)
Unknown/declined	1 (1%)	9 (3%)	10 (2%)
Education			
High school degree or less	48 (28%)	152 (51%)	200 (43%)
Any post-secondary	96 (56%)	141 (47%)	237 (50%)
Unknown/not collected	27 (16%)	6 (2%)	33 (7%)

<sup>70</sup> Most common was a psychiatric or emotional disability (9%, *n*=41), multiple disabilities/disorders (4%, *n*=18), a substance use disorder (4% *n*=17), physical disability (2%, *n*=9), or other disability (2%, *n*=14).

Client Level Characteristics	Level of Service		
	Representation <i>N</i> (%)	Unbundled Services <i>N</i> (%)	Total <i>N</i> (%)
<b>Limited English Proficiency</b>			
Yes	17 (10%)	21 (7%)	38 (8%)
No	154 (90%)	278 (93%)	432 (92%)
Unknown/not collected	0 (0%)	0 (0%)	0 (0%)
<b>Disability</b>			
Yes	58 (34%)	41 (14%)	99 (21%)
No	97 (57%)	190 (64%)	287 (61%)
Unknown/not collected	16 (9%)	68 (23%)	84 (18%)
<b>Total</b>	17 (100%)	299 (100%)	470 (100%)

*Note.* Data obtained from the Shriver project services database (as of 11/12/15).

<sup>a</sup> Litigants who identified as Hispanic/Latino and any other race/ethnicity are included in the Hispanic/Latino row.

More than one third of Shriver clients (37%) received CalFresh benefits,<sup>71</sup> and 51% received public health benefits, such as Medi-Cal.<sup>72</sup> The median household monthly income was \$1,200 (mean = \$1,302), which is far below the 2014 income threshold of \$2,613 for a family of at least two. The income of the opposing parent was not known. Table CA15 details the household characteristics for Shriver clients served by SDVLP, broken down by level of service.

**Table CA15. Household Characteristics of Shriver Legal Aid Services Clients**

Client's Household Level Characteristics at Shriver Intake	Level of Service		
	Representation	Unbundled Services	Total
<b>Monthly Income</b>			
Mean (SD)	\$1,235 (\$756)	\$1,340 (\$900)	\$1,302 (\$851)
Median	\$1,194	\$1,200	\$1,200
Range	\$0 to \$3,118	\$0 to \$4,350	\$0 to \$4,350
Missing	0 (0%)	0 (0%)	0 (0%)
<b>Received CalFresh Benefits, <i>N</i> (%)</b>			
Yes	71 (42%)	101 (34%)	172 (37%)
No	100 (58%)	198 (66%)	298 (63%)
<b>Received Public Health Benefits, <i>N</i> (%)</b>			
Yes	65 (38%)	173 (58%)	238 (51%)
No	106 (62%)	126 (42%)	232 (49%)
<b>Total</b>	171 (100%)	299 (100%)	470 (100%)

*Note.* Data obtained from the Shriver project services database (as of 11/12/15).

<sup>71</sup> The CalFresh Program, federally known as the Supplemental Nutrition Assistance Program (SNAP; formerly “food stamps”), provides qualified, low-income households with monthly electronic benefits that can be used to buy most foods at many markets and food stores.

<sup>72</sup> Medi-Cal offers free or low-cost health coverage for low-income children, pregnant women, and families.

### Child Characteristics

Across the 470 cases served by SDVLP, a total of 663 children were involved, with a typical case involving one child. The average age of a child in the case was 6 years old (median = 5), and 25% of cases involved a child with a disability. Most (63%) children were living with the Shriver client at the time of case intake. Table CA16 shows the characteristics of the children involved in the Shriver custody cases.

**Table CA16. Characteristics of Children of Shriver Legal Aid Services Clients**

Child(ren) Characteristics	Level of Service		
	Representation	Unbundled Services	Total
<b>Total Number of Children</b>	253	410	663
<b>Number of Children per Case</b>			
Mean (SD)	1.5 (0.8)	1.4 (0.7)	1.4 (0.7)
Median	1	1	1
Range	1 to 5	1 to 4	1 to 5
Missing/unknown	0 (0%)	0 (0%)	0 (0%)
<b>Age of Child(ren)</b>			
Mean (SD)	5.9 (4.1)	5.6 (4.4)	5.7 (4.3)
Median	5	5	5
Range	0 to 17	0 to 17	0 to 17
Missing/unknown	0 (0%)	0 (0%)	0 (0%)
<b>Child Has a Disability, N (%)</b>			
Yes	46 (27%)	72 (24%)	118 (25%)
No	121 (71%)	215 (72%)	336 (71%)
Missing	4 (2%)	12 (4%)	16 (3%)
<b>Living Arrangements at Intake, N (%)</b>			
Lived with client most of the time	100 (58%)	196 (66%)	296 (63%)
Share equal time or lived together	20 (12%)	39 (13%)	59 (13%)
Lived with opposing party most of the time	50 (29%)	59 (20%)	109 (23%)
Other living arrangement	1 (1%)	4 (1%)	5 (1%)
Missing/unknown	0 (0%)	1 (<1%)	1 (<1%)
<b>Total</b>	171 (100%)	299 (100%)	470 (100%)

Note. Data obtained from the Shriver project services database (as of 11/12/15).

### Case Characteristics

Of all cases receiving Shriver legal aid services, 50% were filed to obtain an initial order for custody and visitation, and the other 50% were to modify an existing custody order. Custody cases were initiated by a variety of petitions, including petitions for dissolution of marriage, legal separation or annulment (35%), uniform parentage (29%), custody and support (14%), and child support (12%). At the time of Shriver intake, 29% of cases had a petition or request for orders (RFO) filed and 3% had a responsive declaration to the petition/RFO filed. Fifty percent



of cases were currently in post-judgment and did not have an active RFO. Table CA17 displays these case characteristics by level of legal services received.

**Table CA17. Custody Case Characteristics at Intake for Shriver Legal Aid Services Clients**

Custody Case Characteristics	Level of Service		
	Representation N (%)	Unbundled Services N (%)	Total N (%)
<b>Purpose of Case</b>			
Obtain an initial order for custody/visitation	79 (46%)	154 (52%)	233 (50%)
Modify an existing custody order	92 (54%)	142 (47%)	234 (50%)
Other	0 (0%)	3 (1%)	3 (<1%)
Missing/unknown	0 (0%)	0 (0%)	0 (0%)
<b>Petition that Initiated Custody Case</b>			
Dissolution of marriage	76 (44%)	90 (30%)	166 (35%)
Parentage	54 (32%)	83 (28%)	137 (29%)
Petition for custody and support	9 (5%)	59 (20%)	68 (14%)
Governmental child support	22 (13%)	32 (11%)	54 (12%)
Domestic violence	6 (4%)	6 (2%)	12 (3%)
Juvenile case exit order	3 (2%)	7 (2%)	10 (2%)
Other	1 (1%)	21 (7%)	22 (5%)
Missing/unknown	0 (0%)	1 (<1%)	1 (<1%)
<b>Case Status at Shriver Intake</b>			
Post-judgment <sup>a</sup>	55 (32%)	180 (60%)	235 (50%)
Petition or RFO filed for custody/visitation	48 (28%)	88 (29%)	136 (29%)
Response to petition or RFO for custody/visitation filed	12 (7%)	0 (0%)	12 (3%)
Other orders filed <sup>b</sup>	29 (17%)	7 (2%)	36 (8%)
Mediation occurred	7 (4%)	1 (0%)	8 (2%)
FCS recommendations made	20 (12%)	0 (0%)	20 (4%)
Other post-filing action <sup>c</sup>	0 (0%)	23 (8%)	23 (5%)
Missing/unknown	0 (0%)	0 (0%)	0 (0%)
Total	171 (100%)	299 (100%)	470 (100%)

*Note.* Data obtained from the Shriver project services database (as of 11/12/15). <sup>a</sup> Includes previous orders for cases such as paternity, dissolution of marriage, legal separation, and annulments. <sup>b</sup> Includes temporary orders for custody/visitation, temporary restraining orders, and domestic violence restraining orders. <sup>c</sup> Includes child custody evaluation ordered/completed, action for contempt, and other events not specified.

### Client Role and Opposing Party Representation

Shriver SDVLP attorneys assisted both moving and responding parties in child custody matters. Of clients who received representation, 52% were the responding party; of clients who received unbundled services, 60% were the moving party. Shriver legal services staff assessed whether the opposing party had legal counsel at the time of intake. As shown in Table CA18, for clients who received Shriver representation, 97% faced an opposing party with legal representation. Among clients who received unbundled services, approximately 2% faced an opposing party with legal representation.

**Table CA18. Client Role and Opposing Party Representation at Intake for Legal Services Clients**

Characteristic at Shriver Intake	Level of Service		
	Representation	Unbundled	Total
	<i>N (%)</i>	<i>N (%)</i>	<i>N (%)</i>
<b>Client Role in Case</b>			
Moving party	64 (37%)	179 (60%)	243 (52%)
Responding party	89 (52%)	79 (27%)	168 (36%)
Other	18 (11%)	40 (13%)	58 (12%)
Missing/unknown	0 (0%)	1 (<1%)	1 (<1%)
<b>Opposing Party Represented by Counsel</b>			
Yes	166 (97%)	6 (2%)	172 (37%)
No	5 (3%)	293 (98%)	298 (63%)
Missing/unknown	0 (0%)	0 (0%)	0 (0%)
<b>Total</b>	<b>171 (100%)</b>	<b>299 (100%)</b>	<b>470 (100%)</b>

*Note.* Data obtained from the Shriver program services database (as of 11/12/15).

### Other Contextual Factors

To understand the complexity of custody cases, and to help elucidate possible reasons for one party obtaining sole custody, Shriver attorneys asked clients about current or previous involvement with child protective services, domestic violence, the police, and allegations of substance use by either party. Of note, this information was available only by report of the Shriver client. Thirty-three percent ( $n=154$ ) of cases had current or prior involvement with Child Protective Services. Nearly half (47%;  $n=221$ ) had an allegation of domestic violence, most often against the opposing party. Nearly half (45%;  $n=212$ ) involved an allegation of substance use, more often against the opposing party. One quarter (26%) involved at least one instance of police involvement in the three months prior to Shriver intake. Overall, at least one of these factors was reported for 75% of cases ( $n=354$ ), and more often among cases that received representation (as opposed to unbundled services), suggesting that higher conflict cases were prioritized for more intensive legal services. Table CA19 shows the number and percent of cases with each of these contextual factors, by level of service.

**Table CA19. Contextual Factors for Shriver Legal Services Clients**

Contextual Factor	Level of Service		
	Representation <i>N</i> (%)	Unbundled Services <i>N</i> (%)	Total <i>N</i> (%)
Involvement with Child Protective Services <sup>a</sup>			
Never	91 (53%)	205 (69%)	296 (63%)
Currently	53 (31%)	47 (16%)	100 (21%)
Previously	22 (13%)	20 (7%)	42 (9%)
Juvenile Court Case	4 (2%)	8 (2%)	12 (2%)
Missing/unknown	1 (1%)	19 (6%)	20 (4%)
Allegations of Domestic Violence <sup>b</sup>			
None	69 (41%)	170 (57%)	239 (51%)
Client alleged or convicted	12 (7%)	15 (5%)	27 (6%)
OP alleged or convicted	76 (45%)	93 (31%)	169 (36%)
Both client and OP alleged/convicted	12 (7%)	13 (4%)	25 (5%)
Missing/unknown	1 (1%)	8 (3%)	9 (2%)
Allegations of Substance Use			
None	88 (51%)	160 (54%)	248 (53%)
Against client	22 (13%)	6 (2%)	28 (6%)
Against opposing party	40 (23%)	101 (34%)	141 (30%)
Both parties alleged	19 (11%)	24 (8%)	43 (9%)
Missing/unknown	2 (1%)	8 (3%)	10 (2%)
Police Involvement 3 Months Prior to Shriver Intake			
Yes	53 (31%)	69 (23%)	122 (26%)
No	101 (66%)	216 (76%)	317 (72%)
Missing/unknown	17 (10%)	14 (5%)	31 (7%)
Total	171 (100%)	299 (100%)	470 (100%)

*Note.* Data obtained from the Shriver project services database (as of 11/12/15).

<sup>a</sup> The alleged perpetrator of child maltreatment (i.e., which party) was unknown.

<sup>b</sup> Allegations of domestic violence within 5 years prior to Shriver intake.

## Case Outcomes

The remainder of this section on the San Diego custody pilot project reflects only Shriver cases that received representation from SDVLP. Outcomes of cases receiving unbundled services were largely unknown because attorneys did not follow these cases to resolution.

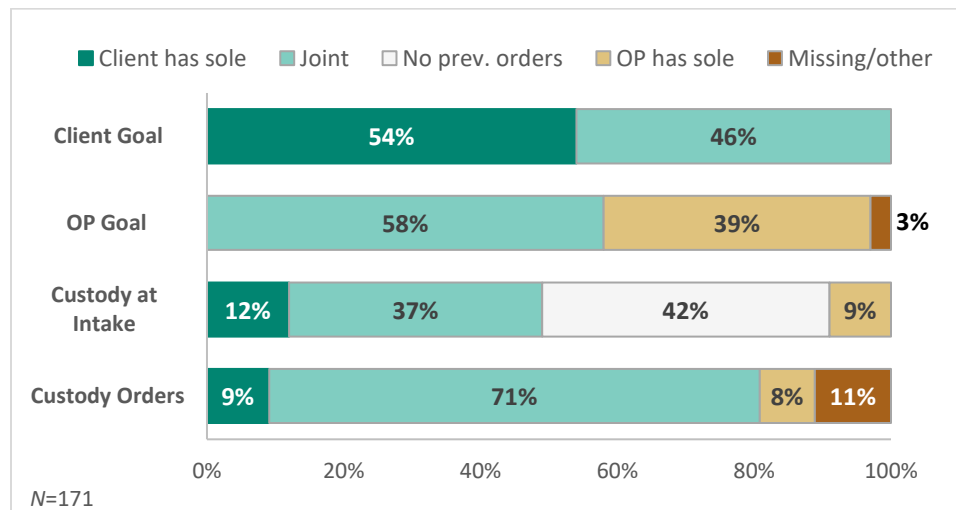
### CHILD CUSTODY ORDERS

#### Legal Custody

At intake, Shriver attorneys asked their clients about their goals for their case in terms of legal custody, physical custody, and visitation. Regarding legal custody, 54% ( $n=93$ ) of representation clients wanted sole legal custody and 46% ( $n=78$ ) wanted to share joint legal custody. Information about the opposing party goals for the case was obtained from the petition, RFO, response, or from the client. Most opposing parties (58%;  $n=99$ ) wanted to share joint legal custody, and 39% ( $n=67$ ) wanted sole legal custody. In 75% of cases, at least one party sought sole legal custody of the child(ren).

At intake, 12% of Shriver clients had sole legal custody of the child and 54% wanted it. At resolution, 9% of clients were awarded sole legal custody. In contrast, at intake, 9% of opposing parties had sole legal custody and 39% wanted it. At resolution, 8% of opposing parties were awarded sole legal custody. The percentage of cases with joint legal custody increased from 37% at intake to 71% at resolution. (The remaining 11% had some other outcome.) Many of these changes are due to the 42% of cases without legal custody legal orders at intake. Figure CA3 shows this breakdown, and Table CA20 provides percentages for each outcome.

**Figure CA3. Legal Custody: Case Goals, Custody Status at Shriver Intake, and Custody Orders for Shriver Representation Clients and Opposing Parties**



Note. OP = opposing party.

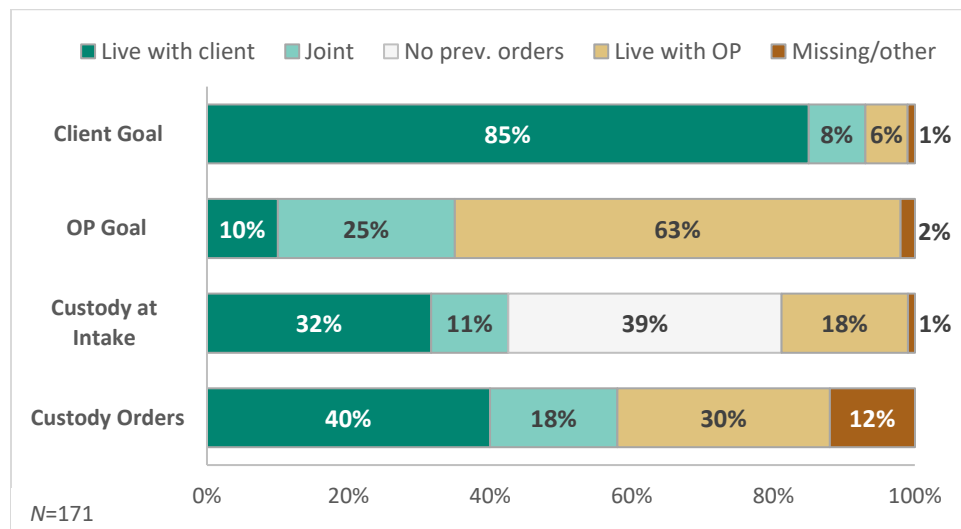
### ***Physical Custody and Parenting Time (“Visitation”)***

At intake, Shriver attorneys also asked clients about their goals in terms of physical custody. Most (85%;  $n=145$ ) of Shriver representation clients wanted the child(ren) to live with them all or most of the time. Likewise, most (63%;  $n=107$ ) of opposing parties wanted the child(ren) to live with them all or most of the time. All 171 cases involved request for sole physical custody by at least one party.

Shriver representation clients who were seeking sole physical custody had varying requests for timeshare (visitation) for the other parent. Of these clients, 54% ( $n=78$ ) wanted scheduled, unsupervised visitation for the opposing party, 32% ( $n=47$ ) wanted supervised visitation, 7% ( $n=10$ ) wanted reasonable visitation, 4% ( $n=6$ ) wanted no visitation for the opposing party, and 3% ( $n=4$ ) wanted some other visitation order (not specified).

At intake, 32% of Shriver clients had sole physical custody of the child and 85% wanted it. At resolution, 40% of clients were awarded sole physical custody. In contrast, at intake, 18% of opposing parties had sole physical custody and 63% wanted it. At resolution, 30% of opposing parties were awarded sole physical custody. The percentage of cases with joint physical custody was 11% at intake and 18% at resolution. Many of these changes are due to the 39% of cases without physical custody orders at intake.<sup>73</sup> Figure CA4 shows this breakdown, and Appendix Table CA21 provides more detail for each outcome.

**Figure CA4. Physical Custody: Case Goals, Custody Status at Shriver Intake, and Custody Orders for Shriver Representation Clients and Opposing Parties**



Note. OP = opposing party.

<sup>73</sup> The remaining 12% ( $n=21$ ) of cases had some other outcome, not specified.

Of the 119 cases in which one parent was awarded sole physical custody, the majority (81%;  $n=96$ ) involved the non-custodial parent receiving scheduled, unsupervised visitation. This underscores the conflict between the parties and the court's lack of confidence that the parties would be able to manage a reasonable schedule independently. In fact, only one case was awarded reasonable visitation. Another 11% ( $n=13$ ) of cases involved orders for supervised visitation, and 2% ( $n=2$ ) included no visitation. Table CA20 shows the number of cases with each visitation outcome by physical custody orders. Among the 13 cases in which supervised visitation was ordered, the primary reason pertained to concerns about domestic violence (23%,  $n=3$ ), abduction (8%,  $n=1$ ), reintroduction (8%,  $n=1$ ), or multiple reasons (8%,  $n=1$ ).<sup>74</sup> Among the 13 cases with orders for supervised visitation, roughly one-third involved orders for a non-professional provider (31%,  $n=4$ ).<sup>75</sup> Table CA21 provides more detailed information on the terms of supervised visitation orders.

**Table CA20. Visitation Orders by Physical Custody Orders**

Visitation Orders	Physical Custody Orders		
	Sole to Client <i>N</i> (%)	Sole to OP <i>N</i> (%)	Total <i>N</i> (%)
Reasonable visitation	1 (1%)	0 (0%)	1 (1%)
Scheduled (unsupervised) visitation	56 (82%)	40 (78%)	96 (81%)
Supervised visitation for client	0 (0%)	7 (14%)	7 (6%)
Supervised visitation for OP	6 (9%)	0 (0%)	6 (5%)
No visitation for client	0 (0%)	0 (0%)	0 (0%)
No visitation for OP	2 (3%)	0 (0%)	2 (2%)
Other	3 (4%)	4 (8%)	7 (6%)
Missing/Unknown	0 (0%)	0 (0%)	0 (0%)
Total	68 (100%)	51 (100%)	119 (100%)

*Note.* Data obtained from the Shriver project services database (as of 11/12/15).

<sup>74</sup> More than half (54%,  $n=7$ ) of cases were missing this information, or the information was unknown.

<sup>75</sup> Professional providers (15%,  $n=2$ ), other therapeutic providers (8%,  $n=1$ ), other providers (15%,  $n=2$ ), and multiple types of providers (15%,  $n=2$ ) were also ordered as supervised visit providers. Two cases (15%) were missing information about the provider type.

**Table CA21. Supervised Visitation Terms for Shriver Representation Clients**

Other Visitation Terms	Physical Custody Outcome				Total <i>N</i> (%)
	Sole to Client	Sole to OP	Joint Custody	Other or Missing	
	<i>N</i> (%)	<i>N</i> (%)	<i>N</i> (%)	<i>N</i> (%)	
Supervised Visits Due To					
Interpersonal Violence	1 (1%)	2 (4%)	0 (0%)	0 (0%)	3 (2%)
Abduction concerns	0 (0%)	1 (2%)	0 (0%)	0 (0%)	1 (1%)
Reintroduction	3 (4%)	0 (0%)	0 (0%)	0 (0%)	3 (2%)
Multiple reasons	1 (1%)	0 (0%)	0 (0%)	0 (0%)	1 (1%)
Not applicable	60 (88%)	44 (86%)	31 (100%)	21 (100%)	156 (91%)
Missing	3 (4%)	4 (8%)	0 (0%)	0 (0%)	7 (4%)
Supervised Visits Ordered With					
Professional provider	2 (3%)	0 (0%)	0 (0%)	0 (0%)	2 (1%)
Non-professional provider	2 (3%)	2 (4%)	0 (0%)	0 (0%)	4 (2%)
Other therapeutic provider	2 (3%)	0 (0%)	0 (0%)	0 (0%)	2 (1%)
Other provider	7 (10%)	6 (12%)	1 (3%)	1 (5%)	15 (9%)
Multiple types	1 (1%)	4 (8%)	0 (0%)	0 (0%)	5 (3%)
Not applicable	53 (78%)	38 (75%)	30 (97%)	20 (95%)	141 (82%)
Missing	1 (1%)	1 (2%)	0 (0%)	0 (0%)	2 (1%)
Total	68 (100%)	51 (100%)	31 (100%)	21 (100%)	171 (100%)

*Note.* Data obtained from the Shriver project services database (as of 11/12/15).

### ***Additional Case Outcomes***

In addition to child custody orders, the court could make, or the parties agree to, other orders. Of all representation cases, the Shriver client was ordered to attend therapy 16% of the time, and therapy was ordered for children in 19% of cases. Substance use counseling was rare, occurring just 2% of cases for both the Shriver client and opposing party. Parenting classes were ordered for approximately 20% of clients and opposing parties and more often for the non-custodial parent. Very few instances of restraining orders, criminal protective orders, or batterer's programs were ordered for either party in the case, most likely because these issues were addressed by other cases. Additional orders are displayed in Table CA22, organized by physical custody outcome.

**Table CA22. Additional Orders for Representation Clients and Opposing Parties by Physical Custody Outcome**

Additional Orders in Case	Physical Custody Outcome				
	Sole to Client N (%)	Sole to OP N (%)	Joint Custody N (%)	Other or Missing N (%)	Total N (%)
Treatment-related Orders					
Therapy/Mental Health Counseling					
For client	14 (21%)	12 (24%)	2 (6%)	0 (0%)	28 (16%)
For OP	9 (13%)	1 (2%)	3 (10%)	0 (0%)	13 (8%)
For child(ren)	13 (19%)	13 (25%)	6 (19%)	0 (0%)	32 (19%)
Substance Use Counseling					
For client	0 (0%)	3 (6%)	0 (0%)	0 (0%)	3 (2%)
For OP	3 (4%)	0 (0%)	1 (3%)	0 (0%)	4 (2%)
Parenting Classes					
For client	11 (16%)	14 (27%)	5 (16%)	0 (0%)	30 (18%)
For OP	23 (34%)	9 (18%)	5 (16%)	0 (0%)	37 (22%)
Domestic Violence-related Orders					
Restraining Order Granted					
For client	2 (3%)	0 (0%)	0 (0%)	0 (0%)	2 (1%)
For OP	1 (1%)	3 (6%)	0 (0%)	0 (0%)	4 (2%)
Criminal Protective Order Granted					
For client	0 (0%)	0 (0%)	1 (3%)	0 (0%)	1 (1%)
For OP	1 (1%)	0 (0%)	0 (0%)	0 (0%)	1 (1%)
52-week Batterer's Program Ordered					
For client	0 (0%)	1 (2%)	0 (0%)	0 (0%)	1 (1%)
For OP	1 (1%)	0 (0%)	1 (3%)	0 (0%)	2 (1%)
Total	68 (100%)	51 (100%)	31 (100%)	21 (100%)	171 (100%)

Note. Data obtained from the Shriver project services database (as of 11/12/15).

## COURT EFFICIENCY & OTHER AGENCY INVOLVEMENT

### *Length of Shriver Service Provision*

Sixty-nine percent ( $n=123$ ) of Shriver representation cases participated in at least one Shriver settlement conference. Across all representation cases with available data, the average length of Shriver service provision was 109 days (median = 91; range = 1 to 498 days).<sup>76</sup> Among cases that involved a settlement conference, the average length of service provision was 116 days (median = 98). Among those that did not involve a conference, the average length of Shriver service provision was 91 days (median = 85). Anecdotally, Shriver staff explain that the cases that do not participate in a settlement conference are often those that either (1) settle before the conference date or (2) present for service without sufficient time for a settlement

<sup>76</sup> Six cases (4%) were missing this information.



conference to be scheduled (e.g., a client presents for Shriver service with a near-term hearing date). In both of these instances, the pleadings would resolve earlier.

### ***Continuances and Mediation Sessions***

Table CA23 shows the average number of court events for representation clients with and without settlement conference participation. On average, each representation case had one continuance and one mediation session. When Shriver representation was accompanied by a settlement conference, most (at least 50%) cases had one continuance (median = 1), and most (at least 50%) cases without a settlement conference had no continuances (median = 0). This discrepancy is likely due to the underlying circumstances of the two groups of cases. Anecdotally, it was explained that all Shriver representation cases were scheduled for a settlement conference, and the cases that did not receive a settlement conference were often those that did not have enough time—for example, cases that had an already-scheduled hearing in the near-term. The quick turn-around of some of these cases did not allow a settlement conference to be scheduled, which may also explain why there were fewer continuances were noted. The number of mediation sessions did not vary with participation in a settlement conference.

**Table CA23. Court Events for Shriver Representation Clients with and without Settlement Conference Participation**

Court Event	Type of Shriver Service Received		Total
	Representation Only	Representation + Settlement Conference	
<b>Number of Cases</b>	48	123	171
<b>Continuances</b>			
Mean ( <i>SD</i> )	0.5 (0.7)	1.0 (1.3)	0.8 (1.2)
Median	0.0	1.0	1.0
Range	0 to 3	0 to 10	0 to 10
Missing, <i>N</i> (%)	1 (2%)	3 (2%)	4 (2%)
<b>Mediation Sessions</b>			
Mean ( <i>SD</i> )	0.8 (0.4)	0.9 (0.4)	0.8 (0.4)
Median	1.0	1.0	1
Range	0 to 1	0 to 2	0 to 2
Missing, <i>N</i> (%)	1 (2%)	3 (2%)	4 (2%)

*Note.* Data obtained from the Shriver project services database (as of 11/12/15). Includes limited representation cases only (*n*=171). Information about the length of the court case was not available.

## Police Involvement

At the time of Shriver intake, clients were asked by their attorneys how often the police were asked to intervene in the three months prior to seeking Shriver services. Police involvement included, but was not limited to enforcing existing custody and visitation orders or responding to instances of domestic violence. Most cases (approximately 60% overall) had no police involvement in the 3 months prior to seeking Shriver services, about 30% had occasional police involvement, and a handful of cases had frequent police involvement (at least once per week).

Toward the end of Shriver service provision (i.e., at or near the resolution of the pleading), clients were again asked about police involvement during the previous 3 months. At this point, roughly three quarters had no police involvement, about 10% had occasional involvement, and just a couple of cases had frequent police involvement.<sup>77</sup> There were no notable differences in police involvement between cases with and without a settlement conference. Table CA24 displays the frequency of reported police involvement at Shriver intake and exit.

**Table CA24. Reported Frequency of Police Involvement  
Before and After Shriver Intake by Type of Shriver Service Received**

Frequency of Police Involvement	Shriver Representation Only		Shriver Representation + Settlement Conference	
	3 Months Before Shriver Intake	3 Months Before Shriver Exit	3 Months Prior to Shriver Intake	3 Months Before Shriver Exit
	N (%)	N (%)	N (%)	N (%)
Never	30 (63%)	38 (79%)	71 (58%)	90 (73%)
Less than once per month	12 (25%)	3 (6%)	25 (20%)	12 (10%)
1-3 times per month	2 (4%)	1 (2%)	11 (9%)	5 (4%)
Once per week	1 (2%)	1 (2%)	0 (0%)	1 (1%)
2-3 times per week	0 (0%)	0 (0%)	1 (1%)	0 (0%)
More than 3 times per week	0 (0%)	0 (0%)	1 (1%)	1 (1%)
Missing/unknown	3 (6%)	5 (10%)	14 (11%)	14 (11%)
Total	48 (100%)	48 (100%)	123 (100%)	123 (100%)

Note. Data obtained from the Shriver project services database (as of 11/12/15).

<sup>77</sup> 18% of cases (n=31) were missing information at either intake or case closing.

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## Shriver Project Service Summary: San Francisco

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### Service Provision

Information regarding the types of services provided, case characteristics, and outcomes were obtained from the program services database for legal aid services clients. Data from the JDC were collected on all parties receiving services from January 2012 through November 2015. Data for court-based services clients were recorded by the Shriver self-help attorney.

### WHAT COURT-BASED SERVICES WERE PROVIDED?

The San Francisco pilot custody project staffed a self-help attorney in the Self Help Resource Center at the Superior Court. Between October 2011 and September 2015, this Shriver attorney provided assistance to 1,742 litigants involved in custody cases.

### WHAT LEGAL AID SERVICES WERE PROVIDED?

Between January 2012 and November 2015, the San Francisco pilot custody project provided representation to litigants in a total of 227 cases. Attorneys tracked the number of hours they spent working on cases in 15-minute increments. Table CA25 shows the average number of hours they worked on a custody case was 23 (median = 15).<sup>78</sup> These estimates reflect attorney time, but not time worked by other staff, e.g., project coordinator or social service advocate.

**Table CA25. Number of Legal Aid Services Cases and Attorney Hours Provided per Case**

Characteristic	Representation
Number of Litigants	227
Attorney Hours Provided	
Mean (SD)	22.6 (24)
Median	15.0
Range	0.5 to 209.0
Missing N (%)	11 (5%)

### WHO RECEIVED LEGAL AID SERVICES?

#### *Client Characteristics*

At the time of Shriver intake, JDC staff members collected information about their clients, including demographics, household characteristics, and characteristics pertinent to the custody case. As shown in Table C2A26, the average age of the client was 39 years (median = 37), 53% were female, 35% were Hispanic or Latino, 35% had at least some post-secondary education, 24% could not effectively communicate in English without the assistance of an interpreter (Limited English Proficiency), and 20% had a known or observable disability.<sup>79</sup>

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<sup>78</sup> Ninety percent of cases required less than 50 hours of attorney time. The mean value is greater than the median value in Table CA25 due to one outlying value (250 hours).

<sup>79</sup> Most common types of disability or disorder were a psychiatric or emotional disability (7%, *n*=16), substance use disorder (7%, *n*=16), more than one disability/disorder, (3%, *n*=6), or physical disability (2%, *n*=5).

Notably, the San Francisco pilot custody project has a higher proportion of male clients than the other two Shriver custody projects. Shriver staff members believe this may be due to the general availability of legal services to domestic violence survivors residing in the San Francisco metropolitan area, relative to other areas. Specifically, other local organizations provide legal assistance to female victims of domestic violence (but not necessarily to alleged abusers). Once these women have an attorney, their male partner becomes eligible for Shriver services because he is facing a represented opposing party.

**Table CA26. Demographic Characteristics of Shriver Legal Aid Services Clients**

Client Level Characteristics	N (%)
<b>Age (years)</b>	
18 to 24	9 (4%)
25 to 44	162 (71%)
45 to 61	50 (22%)
62 or older	4 (2%)
Unknown/not collected	2 (1%)
<b>Gender</b>	
Male	107 (47%)
Female	120 (53%)
Transgender	0 (0%)
Unknown/not collected	0 (0%)
<b>Race/Ethnicity<sup>a</sup></b>	
Asian	33 (14%)
Black or African American	40 (18%)
Hispanic/Latino	79 (35%)
White	55 (24%)
Other	9 (4%)
Unknown/declined	11 (5%)
<b>Education</b>	
High school degree or less	57 (25%)
Any post-secondary	80 (35%)
Unknown/not collected	90 (40%)
<b>Limited English Proficiency</b>	
Yes	54 (24%)
No	173 (76%)
Unknown/not collected	0 (0%)
<b>Disability</b>	
Yes	45 (20%)
No	114 (50%)
Unknown/not collected	68 (30%)
<b>Total</b>	227 (100%)

*Note.* Data obtained from the Shriver project services database (as of 11/12/15). <sup>a</sup> Litigants who identified as Hispanic/Latino and any other race/ethnicity are included in the Hispanic/Latino row.

Thirteen percent of Shriver clients received CalFresh benefits.<sup>80</sup> The median monthly household income was \$900 (mean = \$1,107), which is far below the 2014 income threshold of \$2,613 for a family of at least two. Information about the opposing party's income was not available. Table CA27 details the household characteristics for Shriver clients served by JDC.

**Table CA27. Household Characteristics of Shriver Legal Aid Services Clients**

<b>Client's Household Level Characteristics</b>	<b><i>N</i> (%)</b>
<b>Monthly Income</b>	
Mean	\$1,107
Median	\$900
<i>SD</i>	\$1,102
Range	\$0 to \$5,360
Missing	0 (0%)
<b>Received CalFresh Benefits, <i>N</i> (%)</b>	
Yes	29 (13%)
No	198 (87%)
<b>Total</b>	<b>227 (100%)</b>

*Note.* Data obtained from the Shriver project services database (as of 11/12/15).

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<sup>80</sup> The CalFresh Program, federally known as the Supplemental Nutrition Assistance Program (SNAP; formerly "food stamps"), provides qualified, low-income households with monthly electronic benefits that can be used to buy most foods at many markets and food stores.

### Child Characteristics

Across the 227 cases served by JDC, a total of 327 children were involved, with a typical case involving one child. The average age of child(ren) in the case was 7 years old (median = 7), and 11% of cases involved a child with a disability. Half of children were living with the opposing party at the time of case intake. Table CA28 shows the characteristics of the children involved in the Shriver custody cases.

**Table CA28. Characteristics of Children of Shriver Legal Aid Services Clients**

Children Characteristics	N (%)
<b>Total Number of Children</b>	327
<b>Number of Children per Case</b>	
Mean (SD)	1.4 (0.7)
Median	1
Range	1 to 6
Missing/unknown	0 (0%)
<b>Age of Children</b>	
Mean (SD)	7.2 (4.5)
Median	7
Range	0 to 19
Missing/unknown	1 (<1%)
<b>Child Has a Disability, N (%)</b>	
Yes	25 (11%)
No	127 (56%)
Missing	75 (33%)
<b>Living Arrangements at Intake, N (%)</b>	
Lived with client most of the time	50 (22%)
Share equal time or lived together	44 (19%)
Lived with opposing party most of the time	114 (50%)
Other living arrangement	4 (2%)
Missing/unknown	15 (7%)
<b>Total</b>	227 (100%)

*Note.* Data obtained from the Shriver project services database (as of 11/12/15).

### **Case Characteristics**

Of all cases receiving Shriver representation, 35% were filed to obtain an initial order for custody and visitation, and 56% were to modify an existing custody order. Custody cases were initiated by a variety of petitions, including petitions for the dissolution of marriage (38%), uniform parentage (15%), custody and support (11%), domestic violence (11%), and governmental child support (10%). At the time of Shriver legal services intake, 14% of cases had a petition or request for orders (RFO) filed and another 12% had filed a responsive declaration to the petition/RFO. Forty-nine percent of cases were currently in post-judgment and did not have an active RFO. Table CA29 displays these case characteristics.

**Table CA29. Custody Case Characteristics at Intake for Shriver Legal Aid Services Clients**

<b>Custody Case Characteristics</b>	<b>N (%)</b>
<b>Purpose of case</b>	
Obtain an initial order for custody and visitation	79 (35%)
Modify an existing custody order	126 (56%)
Modify and enforce an existing custody order	17 (7%)
Other	3 (1%)
Missing/unknown	2 (1%)
<b>Action that Initiated Request for Shriver Services</b>	
Dissolution of marriage, legal separation, annulment	87 (38%)
Parentage	35 (15%)
Petition for custody and support	26 (11%)
Governmental child support	23 (10%)
Domestic violence	25 (11%)
Juvenile case exit order	1 (<1%)
Other	29 (13%)
Missing/unknown	1 (<1%)
<b>Case Status at Shriver Intake</b>	
Post-judgment <sup>a</sup>	112 (49%)
Petition or RFO filed for custody/visitation	31 (14%)
Response to petition or RFO for custody/visitation filed	28 (12%)
Other orders filed <sup>b</sup>	25 (11%)
Mediation occurred	17 (7%)
FCS recommendations made	2 (1%)
Other post-filing action <sup>c</sup>	6 (3%)
Missing/unknown	6 (3%)
<b>Total</b>	<b>227 (100%)</b>

*Note.* Data obtained from the Shriver project services database (as of 11/12/15). <sup>a</sup> Includes previous orders for cases such as paternity, dissolution of marriage, legal separation, and annulments. <sup>b</sup> Includes temporary orders for custody/visitation, temporary restraining orders, and domestic violence restraining orders. <sup>c</sup> Includes child custody evaluation ordered/completed, action for contempt, and other events not specified.

### Client Role and Opposing Party Representation

Shriver JDC attorneys assisted both moving parties (45%) and responding parties (51%) in child custody matters. Shriver legal aid services staff assessed whether the opposing party had legal counsel at the time of intake. As shown in Table CA30, 98% faced an opposing party with representation.

**Table CA30. Client Role and Opposing Party Representation at Intake for Legal Services Clients**

Case Characteristic at Intake	N (%)
<b>Client Role in Case</b>	
Moving party	104 (46%)
Responding party	115 (51%)
Other	8 (4%)
Missing/unknown	0 (0%)
<b>Opposing Party Represented by Counsel</b>	
Yes	222 (98%)
No	3 (1%)
Missing/unknown	2 (1%)
<b>Total</b>	<b>227 (100%)</b>

*Note.* Data obtained from the Shriver program services database (as of 11/12/15).

### Other Contextual Factors

To understand the complexity of custody and visitation cases, and to help elucidate possible reasons for one party obtaining sole custody, Shriver attorneys asked clients about current or previous involvement with child protective services, police, domestic violence, and allegations of substance use by either party. Importantly, this information was only available by client report. Eleven percent ( $n=25$ ) of cases had current or prior involvement with Child Protective Services and 15% of cases involved at least one instance of police involvement in the 3 months prior to Shriver intake. Just under half (46%;  $n=104$ ) involved an allegation of domestic violence, more often against the Shriver client. And 30% ( $n=69$ ) involved an allegation of substance use, also more often against the Shriver client. Overall, 60% of cases ( $n=137$ ) had at least one of these factors (see Table CA31).



**Table CA31. Contextual Factors for Shriver Legal Aid Services Clients**

<b>Contextual Factor</b>	<b>Total N (%)</b>
<b>Involvement with Child Protective Services<sup>a</sup></b>	
Never	146 (65%)
Currently	7 (3%)
Previously	18 (8%)
Juvenile Court Case	4 (2%)
Missing/unknown	51 (23%)
<b>Allegations of Domestic Violence<sup>b</sup></b>	
None	118 (52%)
Client alleged or convicted	58 (26%)
OP alleged or convicted	27 (12%)
Both client and OP alleged/convicted	19 (8%)
Missing/unknown	4 (2%)
<b>Allegations of Substance Use</b>	
None	142 (63%)
Against client	37 (16%)
Against opposing party	16 (7%)
Both parties alleged	16 (7%)
Missing/unknown	16 (7%)
<b>Police Involvement 3 Months Prior to Shriver Intake</b>	
Yes	35 (15%)
No	113 (76%)
Missing/unknown	79 (35%)
<b>Total</b>	<b>227 (100%)</b>

*Note.* Data obtained from the Shriver project services database (as of 11/12/15). <sup>a</sup> The alleged perpetrator of child maltreatment (i.e., which party) was unknown. <sup>b</sup>Allegations of domestic violence within 5 years prior to Shriver intake.

## Case Outcomes

This section presents the outcomes of the child custody cases in which one party was represented by the San Francisco Shriver pilot custody project.

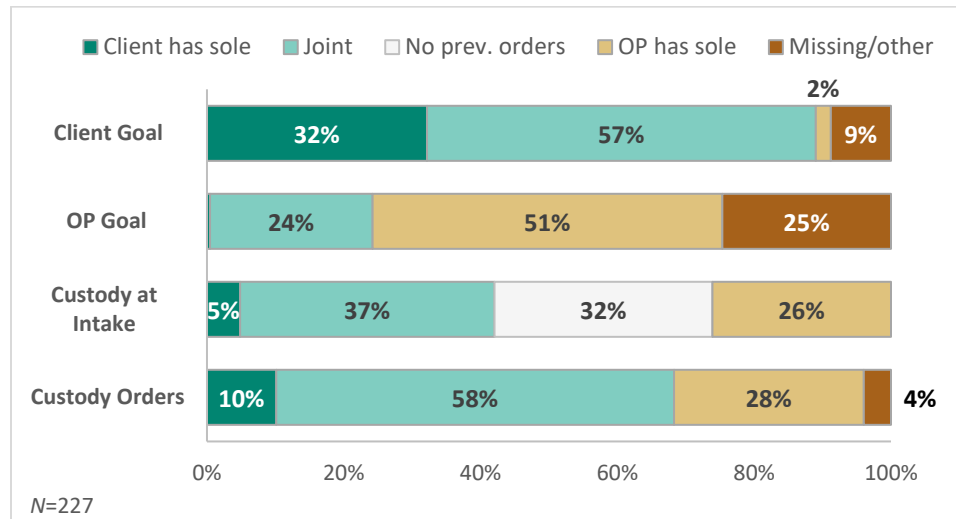
### CHILD CUSTODY ORDERS

#### *Legal Custody*

At intake, Shriver attorneys asked their clients about their goals were for the case, in terms of legal custody, physical custody, and visitation orders. At intake, 32% ( $n=73$ ) of Shriver clients sought sole legal custody, and 57% ( $n=129$ ) sought to share joint legal custody. Information about the opposing parties' goals was obtained by the attorney from the petition, RFO, response, or the client. Half of the opposing parties (51%,  $n=116$ ) wanted sole legal custody for themselves, and 24% ( $n=54$ ) wanted to share joint legal custody. In 67% of cases, at least one party sought sole legal custody of the child(ren).

At intake, 5% of Shriver clients had sole legal custody of the child and 32% wanted it. At resolution, 10% of clients were awarded sole legal custody. In contrast, at intake, 26% of opposing parties had sole legal custody and 51% wanted it. At resolution, 28% of opposing parties were awarded sole legal custody. The percentage of cases with joint legal custody increased from 37% at intake to 58% at resolution. (The remaining 3% had some other outcome.)<sup>81</sup> Many of these changes are due to the 32% of cases without legal custody orders at intake. Figure CA5 illustrates these outcomes, and Appendix Table CA5 provides specific percentages for these outcomes.

**Figure CA5. Legal Custody: Case Goals, Custody Status at Shriver Intake, and Custody Orders for Shriver Representation Clients and Opposing Parties**



Note. OP = opposing party.

<sup>81</sup> One case was missing information about legal custody outcomes.

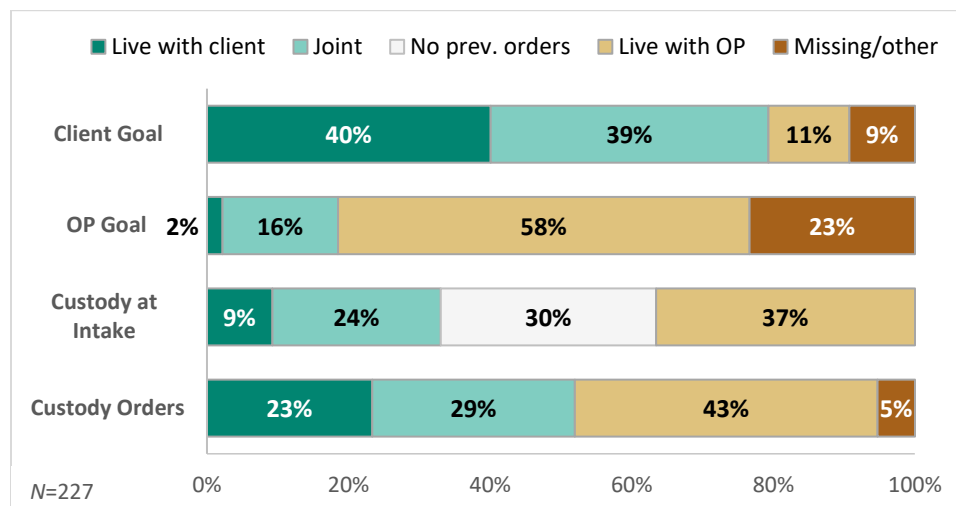
***Physical Custody and Parenting Time (“Visitation”).***

At intake, Shriver attorneys also asked clients about their goals for physical custody. Forty percent ( $n=91$ ) of Shriver clients wanted the child(ren) to live with them all or most of the time (i.e., sole physical custody). Similarly, 58% ( $n=132$ ) of opposing parties wanted the child(ren) to live with them all or most of the time. In 64% ( $n=177$ ) of cases, at least one party sought sole physical custody of the child(ren).

Of Shriver clients seeking sole physical custody, 13% ( $n=12$ ) requested reasonable visitation for the opposing party, 47% ( $n=43$ ) wanted scheduled and unsupervised visitation, 10% ( $n=9$ ) wanted supervised visitation, 9% ( $n=8$ ) wanted no visitation for the opposing party, and 1% ( $n=1$ ) wanted some other visitation order (not specified).<sup>82</sup>

At intake, 9% of Shriver clients had sole physical custody of the child and 40% wanted it. At resolution, 23% of clients were awarded sole physical custody. In contrast, at intake, 37% of opposing parties had sole physical custody and 58% wanted it. At resolution, 43% of opposing parties were awarded sole physical custody. The percentage of cases with joint physical custody was 24% at intake and 29% at resolution. Many of these changes are due to the 30% of cases without physical custody orders at intake.<sup>83</sup> Figure CA6 shows this distribution, and Appendix Table CA5 provides the percentage of cases with these outcomes.

**Figure CA6. Physical Custody: Case Goals, Custody Status at Shriver Intake, and Custody Orders for Shriver Representation Clients and Opposing Parties**



Note. OP = opposing party.

<sup>82</sup> 14 cases were missing information about the desired visitation outcomes if the client obtained sole physical custody.

<sup>83</sup> The remaining 5% ( $n=12$ ) of cases were missing information about the physical custody outcomes.

Of the 150 cases in which one party was awarded sole physical custody, 12% of cases involved both parties agreeing to reasonable visitation with the child(ren), 54% involved the non-custodial parent receiving scheduled and unsupervised visitation, 18% involved the non-custodial parent receiving supervised visitation, and 12% receiving no visitation.<sup>84</sup> Table CA32 shows the number of cases with each visitation outcome, by physical custody orders. For the 27 cases where supervised visitation was ordered, the primary reason pertained to concerns about domestic violence (26%,  $n=7$ ), abduction (11%,  $n=3$ ), reintroduction (7%,  $n=2$ ), or multiple reasons (7%,  $n=2$ ).<sup>85</sup> Among the 27 cases with orders for supervised visitation, 15% ( $n=4$ ) entailed orders for a professional provider.<sup>86</sup> Appendix Table CA33 shows more information about the terms related to supervised visitation.

**Table CA32. Visitation Orders for Shriver Representation Clients**

Visitation Orders	Physical Custody Outcome		
	Sole to Client <i>N</i> (%)	Sole to OP <i>N</i> (%)	Total <i>N</i> (%)
Reasonable visitation	8 (15%)	10 (10%)	18 (12%)
Scheduled (unsupervised) visitation	34 (64%)	47 (48%)	81 (54%)
Supervised visitation for client	0 (0%)	22 (23%)	22 (15%)
Supervised visitation for OP	5 (9%)	0 (0%)	5 (3%)
No visitation for client	0 (0%)	12 (12%)	12 (8%)
No visitation for OP	6 (11%)	0 (0%)	6 (4%)
Other	0 (0%)	5 (5%)	5 (3%)
Missing/Unknown	0 (0%)	1 (1%)	1 (1%)
Total	53 (100%)	97 (100%)	150 (100%)

*Note.* Data obtained from the Shriver project services database (as of 11/12/15).

<sup>84</sup> In 1% of cases ( $n=1$ ), there was some other visitation outcome, in 14% of cases ( $n=22$ ) the outcome was unknown or missing.

<sup>85</sup> 48% of cases ( $n=13$ ) of cases were missing this information, or the information was unknown.

<sup>86</sup> Non-professional providers (7%,  $n=2$ ), other therapeutic providers (11%,  $n=3$ ), and multiple types of providers (33%,  $n=9$ ) were also ordered as supervised visitation providers. Nine cases (33%) were missing information about the provider type.

**Table CA33. Supervised Visitation Terms for Shriver Representation Clients**

Other Visitation Terms	Physical Custody Outcomes				
	Sole to Client	Sole to OP	Joint Custody	Other or Missing	Total
	N (%)	N (%)	N (%)	N (%)	N (%)
Supervised Visits Due To					
IPV	6 (11%)	12 (12%)	1 (2%)	0 (0%)	19 (8%)
Abduction concerns	1 (2%)	2 (2%)	0 (0%)	0 (0%)	3 (1%)
Reintroduction	0 (0%)	4 (4%)	1 (2%)	0 (0%)	5 (2%)
Multiple reasons	0 (0%)	5 (5%)	0 (0%)	1 (8%)	6 (3%)
Not applicable	43 (81%)	64 (66%)	63 (97%)	11 (92%)	181 (80%)
Missing	3 (6%)	10 (10%)	0 (0%)	0 (0%)	13 (6%)
Supervised Visits Ordered With					
Professional provider	3 (6%)	10 (10%)	3 (5%)	0 (0%)	16 (7%)
Non-professional provider	1 (2%)	4 (4%)	1 (2%)	0 (0%)	6 (3%)
Other therapeutic provider	0 (0%)	3 (3%)	0 (0%)	0 (0%)	3 (1%)
Other provider	0 (0%)	0 (0%)	1 (2%)	0 (0%)	1 (0%)
Multiple types	2 (4%)	15 (15%)	0 (0%)	1 (8%)	18 (8%)
Not applicable	44 (83%)	59 (61%)	60 (92%)	11 (92%)	174 (77%)
Missing	3 (6%)	6 (6%)	0 (0%)	0 (0%)	9 (4%)
Total	53 (100%)	97 (100%)	65 (100%)	12 (100%)	227 (100%)

*Note.* Data obtained from the Shriver project services database (as of 11/12/15).

### ***Additional Case Outcomes***

In addition to child custody orders, the court can make, or the parties agree to, other orders. Of all representation cases, participation in mental health therapy was ordered for the Shriver client 16% of the time and for the child(ren) 18% of the time. Orders for substance use counseling were rare, occurring in about 5% of all cases, and were more often ordered for the Shriver client when the opposing party was awarded sole custody. Parenting classes were ordered in approximately 15% of clients and opposing parties. Restraining orders were granted for the opposing party in 16% of cases—including 28% of cases in which sole custody was awarded to the opposing party. Criminal protective orders were granted for the opposing party in 3% of cases, and 1% of clients were ordered to participate in a 52-week batterer’s program. These additional orders are displayed in Table CA34, organized by physical custody outcome.

**Table CA34. Additional Orders by Physical Custody Outcome for Shriver Representation Clients**

Additional Orders in Case	Physical Custody Order Outcomes				
	Client Has Sole Custody	OP Has Sole Custody	Joint Custody	Other or Missing	Total
	N (%)	N (%)	N (%)	N (%)	N (%)
Treatment-related Orders					
Therapy/Mental Health Counseling					
For client	3 (6%)	26 (27%)	4 (6%)	3 (25%)	36 (16%)
For OP	6 (11%)	10 (10%)	3 (5%)	3 (25%)	22 (10%)
For child(ren)	5 (9%)	22 (23%)	9 (14%)	4 (33%)	40 (18%)
Substance Use Counseling					
For client	0 (0%)	10 (10%)	1 (2%)	0 (0%)	11 (5%)
For OP	1 (2%)	0 (0%)	0 (0%)	0 (0%)	1 (<1%)
Parenting Classes					
For client	5 (9%)	17 (18%)	10 (15%)	3 (25%)	35 (15%)
For OP	6 (11%)	12 (12%)	11 (17%)	2 (17%)	31 (14%)
Domestic Violence-related Orders					
Restraining Order Granted					
For client	7 (13%)	5 (5%)	3 (5%)	1 (8%)	16 (7%)
For OP	2 (4%)	27 (28%)	4 (6%)	3 (25%)	36 (16%)
Criminal Protective Order Granted					
For client	1 (2%)	0 (0%)	0 (0%)	0 (0%)	1 (0%)
For OP	0 (0%)	7 (7%)	0 (0%)	0 (0%)	7 (3%)
52-week Batterer’s Program Ordered					
For client	0 (0%)	2 (2%)	1 (2%)	0 (0%)	3 (1%)
For OP	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
Total	53 (100%)	97 (100%)	65 (100%)	12 (100%)	227 (100%)

Note. Data obtained from the Shriver project services database (as of 11/12/15).

## COURT EFFICIENCY & OTHER AGENCY INVOLVEMENT

### *Length of Shriver Service Provision*

Across the cases with available data, the average length of Shriver service provision was 188 days (median = 126; range = 1 to 1,032 days).<sup>87</sup> Cases where the client was awarded sole physical custody were usually the shortest, with an average of 151 days (median = 56) of Shriver service provision. Cases where the opposing party was awarded sole physical custody were those that lasted the longest, averaging about 226 days (median = 160), and cases where joint physical custody were ordered fell in between these ranges at an average of 188 days (median = 126.5).

<sup>87</sup> Two cases (1%) were missing this information.

### ***Continuances and Mediation Sessions***

On average, each representation case had two continuances and one mediation session. Table CA35 shows the average number of court case events for legal services clients.

**Table CA35. Court Events for Shriver Representation Clients**

Statistic	Court Event	
	Continuances	Mediation Sessions
Mean (SD)	2.5 (3.0)	1.3 (1.3)
Median	2	1
Range	0 to 23	0 to 8
Missing, <i>N</i> (%)	14 (6%)	22 (4%)

*Note.* Data obtained from the Shriver project services database (as of 11/12/15). Information about the length of the court case was not available.

### ***Police Involvement***

At intake, Shriver attorneys asked their clients how often the police had been asked to intervene in the three months prior to seeking Shriver services. Police involvement included, but was not limited to, enforcing existing custody and visitation orders or responding to instances of domestic violence. As shown in Table CA36, 50% of cases had no police involvement in the three months prior to Shriver intake, 12% had occasional police involvement, and 3% had frequent police involvement (at least once per week).

Toward the end of the Shriver service provision (i.e., at or near the resolution of the pleading), clients were again asked about the frequency of police involvement during the previous 3 months. At this point, 43% of cases (*n*=98) maintained no police involvement, 7% (*n*=15) reported a decrease in police involvement, 4% (*n*=9) reported increased police involvement, and 5% of cases (*n*=12) had the same amount of police involvement as before Shriver services.<sup>88</sup>

**Table CA36. Reported Frequency of Police Involvement  
for Shriver Representation Clients**

Frequency of Police Involvement	3 Months Prior to Shriver Intake	3 Months Prior to Shriver Exit
	<i>N</i> (%)	<i>N</i> (%)
Never	113 (50%)	134 (59%)
Less than once per month	22 (10%)	13 (6%)
1-3 times per month	5 (2%)	4 (2%)
Once per week	7 (3%)	7 (3%)
2-3 times per week	1 (<1%)	4 (2%)
More than 3 times per week	0 (0%)	1 (<1%)
Missing/unknown	79 (35%)	64 (28%)
Total	227 (100%)	227 (100%)

*Note.* Data obtained from the Shriver project services database (as of 11/12/15).

<sup>88</sup> 41% of cases (*n*=93) were missing information at either intake or case closing.





# Shriver Custody Pilot Projects

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## Appendix B: Self-Sufficiency Data Tables



**Table CA37. Arizona Self-Sufficiency Matrix:  
Number and Percent of LA Custody Clients Assessed in Domain at Shriver Intake**

ASSM Domain	ASSM Assessment Category						Total N (%)
	In Crisis	At Risk	Building Capacity	Stable	Empowered/ Thriving	Missing	
	N (%)	N (%)	N (%)	N (%)	N (%)	N (%)	
Employment	56 (51%)	29 (27%)	15 (14%)	7 (6%)	2 (2%)	0 (0%)	109 (100%)
Food	10 (9%)	65 (60%)	20 (18%)	10 (9%)	4 (4%)	0 (0%)	109 (100%)
Income	37 (34%)	20 (18%)	35 (32%)	11 (10%)	6 (6%)	0 (0%)	109 (100%)
Education/Vocational Training	47 (43%)	4 (4%)	25 (23%)	17 (16%)	16 (15%)	0 (0%)	109 (100%)
Family/Social Relations	23 (21%)	16 (15%)	23 (21%)	29 (27%)	18 (17%)	0 (0%)	109 (100%)
Housing	10 (9%)	22 (20%)	20 (18%)	17 (16%)	40 (37%)	0 (0%)	109 (100%)
Community Involvement	22 (20%)	9 (8%)	20 (18%)	47 (43%)	11 (10%)	0 (0%)	109 (100%)
Life Skills	0 (0%)	18 (17%)	32 (29%)	41 (38%)	18 (17%)	0 (0%)	109 (100%)
Health Care Coverage	7 (6%)	6 (6%)	32 (29%)	34 (31%)	29 (27%)	1 (1%)	109 (100%)
Transportation	2 (2%)	17 (16%)	23 (21%)	47 (43%)	20 (18%)	0 (0%)	109 (100%)
Mental Health	0 (0%)	10 (9%)	19 (17%)	33 (30%)	47 (43%)	0 (0%)	109 (100%)
Safety	2 (2%)	7 (6%)	21 (19%)	27 (25%)	52 (48%)	0 (0%)	109 (100%)
Health/Disabilities	3 (3%)	3 (3%)	3 (3%)	7 (6%)	93 (85%)	0 (0%)	109 (100%)
Criminal Legal Issues	8 (7%)	0 (0%)	0 (0%)	1 (1%)	100 (92%)	0 (0%)	109 (100%)
Substance Use	1 (1%)	0 (0%)	0 (0%)	3 (3%)	105 (96%)	0 (0%)	109 (100%)
<i>Of those with child custody...</i>							
Parenting Skills	0 (0%)	1 (1%)	1 (1%)	36 (37%)	58 (59%)	2 (2%)	98 (100%)
Child Care	10 (10%)	13 (13%)	20 (20%)	39 (40%)	14 (14%)	2 (2%)	98 (100%)
<i>Of those with child custody and school-aged children...</i>							
Children's Education	2 (2%)	2 (2%)	0 (0%)	5 (6%)	72 (85%)	4 (5%)	85 (100%)

**Table CA38. Arizona Self-Sufficiency Matrix Domains and Categories**

ASSM Domain	ASSM Assessment Category				
	In Crisis	At Risk	Building Capacity	Stable	Empowered/Thriving
<b>Employment</b>	No job.	Temporary, part-time or seasonal; inadequate pay, no benefits.	Employed full time; inadequate pay; few or no benefits.	Employed full time with adequate pay and benefits.	Maintains permanent employment with adequate income and benefits
<b>Food</b>	No food or means to prepare it. Relies to a significant degree on other sources of free or low-cost food.	Household is on food stamps.	Can meet basic food needs, but requires occasional assistance.	Can meet basic food needs without assistance.	Can choose to purchase any food household desires.
<b>Income</b>	No income.	Inadequate income and/or spontaneous or inappropriate spending.	Can meet basic needs with subsidy; appropriate spending.	Can meet basic needs and manage debt without assistance.	Income is sufficient, well managed; has discretionary income and is able to save.
<b>Education/ Vocational Training</b>	Literacy problems and/or no high school diploma/GED are serious barriers to employment.	Enrolled in literacy and/or GED program and/or has sufficient command of English to where language is not a barrier to employment.	Has high school diploma/GED.	Needs additional education/training to improve employment situation and/or to resolve literacy problems to where they are able to function effectively in society.	Has completed education/training needed to become employable. No literacy problems.
<b>Family/Social Relations</b>	Lack of necessary support from family or friends; abuse (DV, child) is present or there is child neglect.	Family/friends may be supportive, but lack ability or resources to help; family members do not relate well with one another; potential for abuse or neglect.	Some support from family/friends; family members acknowledge and seek to change negative behaviors; are learning to communicate and support.	Strong support from family or friends. Household members support each other's efforts.	Has healthy/expanding support network; household is stable and communication is consistently open.
<b>Housing</b>	Homeless or threatened with eviction.	In transitional, temporary or substandard housing; and/or current rent/mortgage payment is unaffordable (over 30% of income).	In stable housing that is safe but only marginally adequate.	Household is in safe, adequate subsidized housing.	Household is safe, adequate, unsubsidized housing.
<b>Community Involvement</b>	Not applicable due to crisis situation; in "survival" mode.	Socially isolated and/or no social skills and/or lacks motivation to become involved.	Lacks knowledge of ways to become involved.	Some community involvement (advisory group, support group), but has barriers such as transportation, childcare issues.	Actively involved in community.

ASSM Domain	ASSM Assessment Category				
	In Crisis	At Risk	Building Capacity	Stable	Empowered/Thriving
<b>Life Skills</b>	Unable to meet basic needs such as hygiene, food, activities of daily living.	Can meet a few but not all needs of daily living without assistance.	Can meet most but not all daily living needs without assistance.	Able to meet all basic needs of daily living without assistance.	Able to provide beyond basic needs of daily living for self and family.
<b>Health Care Coverage</b>	No medical coverage with immediate need.	No medical coverage and great difficulty accessing medical care when needed. Some household members may be in poor health.	Some members (e.g. Children) have medical coverage.	All members can get medical care when needed, but may strain budget.	All members are covered by affordable, adequate health insurance.
<b>Transportation</b>	No access to transportation, public or private; may have car that is inoperable.	Transportation is available, but unreliable, unpredictable, unaffordable; may have car but no insurance, license, etc.	Transportation is available and reliable, but limited and/or inconvenient; drivers are licensed and minimally insured.	Transportation is generally accessible to meet basic travel needs.	Transportation is readily available and affordable; car is adequately insured.
<b>Mental Health</b>	Danger to self or others; recurring suicidal ideation; experiencing severe difficulty in day-to-day life due to psychological problems.	Recurrent mental health symptoms that may affect behavior, but not a danger to self/others; persistent problems with functioning due to mental health symptoms.	Mild symptoms may be present but are transient; only moderate difficulty in functioning due to mental health problems.	Minimal symptoms that are expectable responses to life stressors; only slight impairment in functioning.	Symptoms are absent or rare; good or superior functioning in wide range of activities; no more than everyday problems or concerns.
<b>Safety</b>	Home or residence is not safe; immediate level of lethality is extremely high; possible CPS involvement.	Safety is threatened/temporary protection is available; level of lethality is high.	Current level of safety is minimally adequate; ongoing safety planning is essential.	Environment is safe, however, future of such is uncertain; safety planning is important.	Environment is apparently safe and stable.
<b>Health/Disabilities</b>	In crisis – acute or chronic symptoms affecting housing, employment, social interactions, etc.	Vulnerable – sometimes or periodically has acute or chronic symptoms affecting housing, employment, social interactions, etc.	Safe – rarely has acute or chronic symptoms affecting housing, employment, social interactions, etc.	Building Capacity – asymptomatic – condition controlled by services or medication	Thriving – no identified disability.
<b>Criminal Legal Issues</b>	Current outstanding tickets or warrants.	Current charges/trial pending, noncompliance with probation/parole.	Fully compliant with probation/parole terms.	Has successfully completed probation/parole within past 12 months, no new charges filed.	No active criminal justice involvement in more than 12 months and/or no felony criminal history.



ASSM Domain	ASSM Assessment Category				
	In Crisis	At Risk	Building Capacity	Stable	Empowered/Thriving
<b>Substance Use</b>	Meets criteria for severe abuse/dependence; resulting problems so severe that institutional living or hospitalization may be necessary.	Meets criteria for dependence; preoccupation with use and/or obtaining drugs/alcohol; withdrawal or withdrawal avoidance behaviors evident; use results in avoidance or neglect of essential life activities.	Use within last 6 months; evidence of persistent or recurrent social, occupational, emotional or physical problems related to use (such as disruptive behavior or housing problems); problems have persisted for at least one month.	Client has used during last 6 months, but no evidence of persistent or recurrent social, occupational, emotional, or physical problems related to use; no evidence of recurrent dangerous use.	No drug use/alcohol abuse in last 6 months.
<b>Parenting Skills</b>	There are safety concerns regarding parenting skills.	Parenting skills are minimal.	Parenting skills are apparent but not adequate.	Parenting skills are adequate.	Parenting skills are well developed.
<b>Child Care</b>	Needs childcare, but none is available/accessible and/or child is not eligible.	Childcare is unreliable or unaffordable, inadequate supervision is a problem for childcare that is available.	Affordable subsidized childcare is available, but limited.	Reliable, affordable childcare is available, no need for subsidies.	Able to select quality childcare of choice.
<b>Children's Education</b>	One or more school-aged children not enrolled in school.	One or more school-aged children enrolled in school, but not attending classes.	Enrolled in school, but one or more children only occasionally attending classes.	Enrolled in school and attending classes most of the time.	All school-aged children enrolled and attending on a regular basis.

*Note.* Minnesota Housing. (1996). *Arizona Self Sufficiency Matrix* [PDF]. Retrieved from [www.mnhousing.gov/get/MHFA\\_010996](http://www.mnhousing.gov/get/MHFA_010996)

The original tool, without Arizona's revisions can be found here: <http://www.performwell.org/index.php/find-surveyassessments/outcomes/employment-a-housing/housing-and-shelter/self-sufficiency-matrix-an-assessment-and-measurement-tool-created-through-a-collaborative-partnership-of-the-human-services-community-in-snohomish-county>

# Shriver Custody Pilot Projects

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## Appendix C: Supplemental Cost Tables





**Table CA39. Average Cost per Case for Legal Aid Services in FY2014 – Invoice Calculations – Los Angeles**

Level of Service	Total Invoiced amount FY2014	Average Atty Hours per case	Relative Level of Effort (LOE) <sup>a</sup>	Number X of cases	Number of LOE = Units in FY2014	Cost per unit <sup>b</sup>	Average cost per case <sup>c</sup>
Representation		45.0	7.5	72	540		\$1,219*7.5= <b>\$9,143</b>
Unbundled Services		6.0	1.0	67	67		\$1,219*1.0= <b>\$1,219</b>
<b>Total</b>	<b>\$739,977</b>			<b>139</b>	<b>607</b>	<b>\$739,977/607=\$1,219</b>	

<sup>a</sup> Relative level of effort (LOE) was estimated to reflect the proportional difference in resources needed to provide the two levels of service. Specifically, the average number of attorney hours for both representation (45.0 hours) and unbundled service provision (6.0 hours) was divided by 6.0, to develop a ratio. In this case, the ratio was 7.5 to 1.0. <sup>b</sup> LOE units were a standardized unit of measure across the levels of service. The cost per LOE unit was calculated by dividing the total amount invoiced (\$739,977) by the total number of LOE units (607), yielding a cost per unit of \$1,219. <sup>c</sup> Average cost per case was calculated by multiplying the cost per LOE unit by the number of LOE units by level of service.

**Table CA40. Average Cost per Case for Legal Aid Services in FY2014 – Invoice Calculations – San Diego**

Level of Service	Total Invoiced amount FY2014	Average Atty Hours per case	Relative Level of Effort (LOE) <sup>a</sup>	Number X of cases	Number of LOE = Units in FY2014	Cost per unit <sup>b</sup>	Average cost per case <sup>c</sup>
Representation		31.0	10.3	46	475		\$718*10.3= <b>\$7,18</b>
Unbundled Services		3.0	1.0	102	102		\$718*1.0= <b>\$718</b>
<b>Total</b>	<b>\$414,451</b>			<b>148</b>	<b>577</b>	<b>\$414,451/577=\$718</b>	

<sup>a</sup> Relative level of effort (LOE) was estimated to reflect the proportional difference in resources needed to provide the two levels of service. Specifically, the average number of attorney hours for both full representation (31.0 hours) and limited service provision (3.0 hours) was divided by 3.0, to develop a ratio. In this case, the ratio was 10.3 to 1.0. <sup>b</sup> LOE units were a standardized unit of measure across the levels of service. The cost per LOE unit was calculated by dividing the total amount invoiced (\$414,451) by the total number of LOE units (577), yielding a cost per unit of \$718. <sup>c</sup> Average cost per case was calculated by multiplying the cost per LOE unit by the number of LOE units by level of service.

**Table CA41. Average Cost per Case for Legal Aid Services in FY2014 – Invoice Calculations – San Francisco**

Level of Service	Total Invoiced amount FY2014	Average Atty Hours per case	Relative Level of Effort (LOE) <sup>a</sup>	Number X of cases	Number of LOE = Units in FY2014	Cost per unit <sup>b</sup>	Average cost per case <sup>c</sup>
Representation		32.0	4.6	45	206		\$737*4.6= <b>\$3,371</b>
Unbundled Services		7.0	1.0	2	2		\$737*1.0= <b>\$737</b>
<b>Total</b>	<b>\$153,146</b>			<b>47</b>	<b>208</b>	<b>\$153,146/208=\$737</b>	

<sup>a</sup> Relative level of effort (LOE) was estimated to reflect the proportional difference in resources needed to provide the two levels of service. Specifically, the average number of attorney hours for both full representation (32.0 hours) and limited service provision (7.0 hours) was divided by 7.0, to develop a ratio. In this case, the ratio was 4.6 to 1.0. <sup>b</sup> LOE units were a standardized unit of measure across the levels of service. The cost per LOE unit was calculated by dividing the total amount invoiced (\$153,146) by the total number of LOE units (208), yielding a cost per unit of \$737. <sup>c</sup> Average cost per case was calculated by multiplying the cost per LOE unit by the number of LOE units by level of service.

**Table CA42. Average Cost of Family Law Facilitator in a Highly Contested Custody Proceeding in FY2014 (San Diego)**

Staff Involved	Hourly Rate	Average Time Worked	Cost
Family Law Facilitator	\$61	60 minutes	\$61
<b>Total cost per RFO</b>			<b>\$61</b>

**Table CA43. Average Cost of Family Court Services in a Highly Contested Custody Proceeding in FY2014 (San Diego)**

Staff Involved	Hourly Rate	Average Time Worked	Cost
Court Operations Clerk	\$41	120 minutes	\$82
FCS Counselor	\$61	240 minutes	\$244
<b>Total cost per RFO</b>			<b>\$326</b>

**Table CA44. Average Cost of Paperwork and Calendaring in a Highly Contested Custody Proceeding in FY2014 (San Diego)**

Staff Involved	Hourly Rate	Average Time Worked	Cost
Court Operations Clerk	\$41	30 minutes	\$21
<b>Total cost per RFO</b>			<b>\$21</b>

**Table CA45. Average Cost of a Fee Waiver Processing in a Highly Contested Custody Proceeding in FY2014 (San Diego)**

Staff Involved	Hourly Rate	Average Time Worked	Cost
Court Operations Clerk	\$41	10 minutes	\$7
<b>Total cost per RFO</b>			<b>\$7</b>

**Table CA46. Average Cost of a Shriver Settlement Conference in a Highly Contested Custody Proceeding in FY2014 (San Diego)**

<b>Staff Involved</b>	<b>Hourly Rate</b>	<b>Average Time Worked</b>	<b>Cost</b>
Court Operations Clerk	\$41	25 minutes	\$17
Calendar Clerk	\$45	25 minutes	\$19
Court Reporter	\$42	20 minutes	\$14
Courtroom Clerk	\$45	20 minutes	\$15
Bailiff	\$61	90 minutes	\$91
Judge	\$109	135 minutes	\$245
<b>Total cost per settlement conference</b>			<b>\$401</b>

**Table CA47. Average Cost of a Regular Hearing in a Highly Contested Custody Proceeding in FY2014 (San Diego)**

<b>Staff Involved</b>	<b>Hourly Rate</b>	<b>Average Time Worked</b>	<b>Cost</b>
Court Operations Clerk	\$41	30 minutes	\$21
Calendar Clerk	\$45	25 minutes	\$19
Court Reporter	\$42	40 minutes	\$28
Courtroom Clerk	\$45	42 minutes	\$32
Bailiff	\$61	40 minutes	\$41
Judge	\$109	65 minutes	\$118
<b>Total cost per hearing</b>			<b>\$259</b>

**Table CA48. Average Cost of a Review Hearing in a Highly Contested Custody Proceeding in FY2014 (San Diego)**

<b>Staff Involved</b>	<b>Hourly Rate</b>	<b>Average Time Worked</b>	<b>Cost</b>
Court Operations Clerk	\$41	30 minutes	\$21
Calendar Clerk	\$45	10 minutes	\$8
Court Reporter	\$42	40 minutes	\$28
Courtroom Clerk	\$45	42 minutes	\$32
Bailiff	\$61	40 minutes	\$41
Judge	\$109	60 minutes	\$109
<b>Total cost per hearing</b>			<b>\$239</b>

**Table CA49. Average Cost of a Long Cause Hearing in a Highly Contested Custody Proceeding in FY2014 (San Diego)**

Staff Involved	Hourly Rate	Average Time Worked	Cost
Court Operations Clerk	\$41	10 minutes	\$7
Calendar Clerk	\$45	25 minutes	\$19
Courtroom Clerk	\$45	120 minutes	\$90
Bailiff	\$61	90 minutes	\$92
Judge	\$109	165 minutes	\$300
<b>Total cost per hearing</b>			<b>\$508</b>

**Table CA50. Average Cost of an Ex Parte Hearing in a Highly Contested Custody Proceeding in FY2014 (San Diego)**

Staff Involved	Hourly Rate	Average Time Worked	Cost
Court Operations Clerk	\$41	15 minutes	\$10
Calendar Clerk	\$45	15 minutes	\$11
Courtroom Clerk	\$45	20 minutes	\$15
Bailiff	\$61	15 minutes	\$15
Judge	\$109	30 minutes	\$55
<b>Total cost per Ex Parte hearing</b>			<b>\$106</b>

**Table CA51. Average Cost of a Trial in a Highly Contested Custody Proceeding in FY2014 (San Diego)**

Staff Involved	Hourly Rate	Average Time Worked	Cost
Court Operations Clerk	\$41	7 minutes	\$5
Calendar Clerk	\$45	7 minutes	\$5
Courtroom Clerk	\$45	270 minutes	\$203
Bailiff	\$61	240 minutes	\$244
Judge	\$109	300 minutes	\$545
<b>Total cost per Trial</b>			<b>\$1002</b>